

BOARD OF COUNTY COMMISSIONERS

STAFF REPORT ADDENDUM CR2022-0032

HEARING DATE: July 26, 2023

OWNER: Virgil Iovu

APPLICANT/REP: Claudia Frent

PLANNER: Madelyn Vander Veen,

Planner I

CASE NUMBER: CR2022-0032

R29303251

LOCATION: 2505 S Middleton Rd,

Nampa, ID 83686



EXECUTIVE SUMMARY:

- Claudia Frent, representing Virgil Iovu, is requesting a conditional rezone of Parcel R29303251 from an "A" (Agricultural) zone to a "CR-R-1" (Conditional Rezone Single-Family Residential) zone. The request includes a development agreement that limits the number of divisions of the parcel and maintains the existing building envelope.
- Staff recommended approval of the request to the Planning & Zoning Commission. On April 16, 2023, the Planning & Zoning Commission recommended denial of the request (Exhibit 1 Attachment J). The Findings of Fact, Conclusions of Law, and Order were signed on May 4, 2023 (Exhibit 2).
- Exhibit 1 Attachment K is a late exhibit which was entered into the record at the last hearing. Several comments from the public were received in response to the noticing for this hearing, seen in Exhibits 1 Attachment L1-L4. One agency comment was also received (Exhibit 4).
- The Future Land Use Map (Exhibit 1 Attachment C) has been updated. The 2020 Future Land Use map provided in the staff report for the Planning & Zoning Commission was incorrect, as this case was submitted after the 2030 Comprehensive Plan was approved and effective.

EXHIBITS:

Exhibit 1: Draft BOCC Findings

Attachment A: Concept Plan

Attachment B: Site Photos

Attachment C: 2030 Future Land Use Map

Attachment D: Zoning Map

Attachment E: Subdivision Map & Report

Attachment F: Lot Classification Map

Attachment G: Dairy, Feedlot & Gravel Pit Map

Attachment H: Nampa Highway District Land Split Application

Attachment I: Nampa Fire District Comment

Attachment J: P&Z Commission Minutes

Attachment K: Late Exhibit from P&Z Commission Hearing - Rambo Sand & Gravel

Attachment L: New Public Comments

L1: Al & Robin Sanchez

L2: Susan & Doug Ray

L3: Costin & Alisa Pirvu

L4: Coyote Cove Homeowners Association

Exhibit 2: P&Z Commission Signed FCOs

Exhibit 3: P&Z Commission Staff Report

Exhibit A: Parcel Tool

Exhibit B: Draft Findings

Attachment 1: Draft Conditions of Approval

Attachment 2: Concept Plan

Attachment 3: Letter of Intent and Land Use Worksheet

Attachment 4: Neighborhood Meeting

Attachment 5: Site Photos

Attachment 6: Maps

6a: Small Aerial

6b: Vicinity

6c: Zoning

6d: Future Land Use

6e: Subdivision & Lot Report

6f: Lot Classification

6g: Dairy, Feedlot, & Gravel Pit

6h: Soil & Prime Farmland

6i: Nitrate Priority Area

Attachment 7: Agency Comments

7a: Nampa Highway District

7b: Department of Environmental Quality

7c: Nampa Planning & Zoning

7d: Idaho Transportation Department

7e: Canyon Soil Conservation District

7f: Nampa Fire Department

Attachment 8: Coyote Cove No. 2 Plat

Attachment 9: Coyote Cove No. 2 CC&R

Exhibit 4: New Agency Comment – Nampa & Meridian Irrigation District



FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

Iovu - CR2022-0032

The Canyon County Board of County Commissioners consider the following:

1) <u>Conditional Rezone</u> of Parcel R29303251 from an "A" (Agricultural) zone to a "CR-R-1" (Conditional Rezone - Single-Family Residential) zone. The request includes a development agreement that limits the number of divisions of the parcel and maintains the existing building envelope.

Case No. CR2022-0032, 2505 S Middleton Rd, Nampa (R29303251), a portion of the NE¼ of Section 06, T2N, R2W, BM, Canyon County, Idaho

Summary of the Record

- 1. The record is comprised of the following:
 - A. The record includes all testimony, the staff report, exhibits, and documents in Case File CR2022-0032.

Applicable Law

- 1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and §67-6519 (Application Granting Process).
 - a. Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509.
 - b. The presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote the public health, safety, and welfare, or to reduce any potential damage, hazard, nuisance, or other detriment to persons or property in the vicinity to make the land use more compatible with neighboring land uses. See CCZO §07-06-07(1).
- 2. The Board has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act ("LLUPA") and can establish its own ordinances regarding land use. *See* I.C. §67-6504, §67-6511.
- 3. The Board has the authority to hear this case and make its own independent determination. *See* I.C. §67-6519, §67-6504, 67-6509 & 67-6511.
- 4. The Board can sustain, modify or reject the Commission's recommendations. See CCZO §07-05-03.
- 5. The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, are satisfied. CCZO §07-05-03.
- 6. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and

statutory provisions, pertinent constitutional principles and factual information contained in the record. The County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The application (CR2022-0032) was presented at a public hearing before the Canyon County Board of County Commissioners on July 26, 2023. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Board of County Commissioners decides as follows:

CONDITIONAL REZONE CRITERIA – CCZO §07-06-07(6)

1. Is the proposed conditional rezone generally consistent with the comprehensive plan?

Conclusion: The proposed conditional rezone is generally consistent with the comprehensive plan.

- **Findings:** (1) The subject parcel is designated as Residential in the 2030 Canyon County Comprehensive Plan Future Land Use Map (Attachment C). It is not located within a city impact area.
 - (2) The request aligns with the following goals and policies of the 2030 Canyon County Comprehensive Plan:

	Chapter 1: Property Rights
G1.01.00	Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.
P1.01.01	No person should be deprived of private property without due process of law.
P1.01.03	Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures on development approvals.

The applicant is being given due process of law through the hearing process.

	Chapter 2: Population
G2.02.00	Promote housing, business, and service types needed to meet the demand of the future and existing population.
	Chapter 4: Land Use and Community Design
G4.01.00	Support livability and high quality of life as the community changes over time.
P4.01.01	Maintain a balance between residential growth and agriculture that protects the rural character.
P4.01.02	Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights.
P4.02.01	Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.
P4.03.01	Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources.
P4.03.02	Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns.

P4.03.03	Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility.
P4.06.02	Encourage development design that accommodates topography and promotes the conservation of agricultural land.
G4.07.00	Protect rural qualities that make the County distinct and conserve and enhance the elements contributing to a good quality of life.
G4.07.00 P4.07.01	<u>*</u>
	the elements contributing to a good quality of life.

The conditional rezone will provide additional housing within an existing subdivision. It will not fragment agricultural land or natural resources. See Findings for Criteria No. 2, 3, and 4.

	Chapter 6: Schools
P6.01.01	Consider the cumulative impact residential development will have on the capacity of schools.

No comment was received from Nampa School District. See Findings for Criteria No. 8.

	Chapter 8: Transportation
P8.01.02	Consider the cumulative impact of rezones and subdivisions on road capacity and traffic congestion when making land-use decisions.

See Findings for Criteria No. 6 and 7.

	Chapter 11: Housing
G11.02.0 0	Maintain the rural character of Canyon County while providing sufficient housing without fragmenting agricultural land and natural resources.

The conditional rezone will provide additional housing within an existing subdivision. It will not fragment agricultural land or natural resources. See Findings for Criteria No. 4.

- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with attachments found in Case No. CR2022-0032.
- 2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?

Conclusion: The proposed zone is not more appropriate than the current zoning designation.

Findings: (1) The Board of County Commissioners concurs with the findings made by the Board of County Commissioners for case PH2018-6. The surrounding land uses have not changed significantly, so the findings are still relevant. The finding for Conclusion B of PH2018-6 states, "The proposed zone change is not more appropriate than the current zone designation of "A" (Agricultural). The subdivision was approved via a conditional use permit and was intended to have larger lots at the time of development." This finding was read into the record as public

- testimony during the Planning & Zoning Commission hearing by Daniel Bower, an attorney for the Coyote Cove Homeowners' Association (Attachment J).
- (2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with attachments found in Case No. CR2022-0032.

3. Is the proposed conditional rezone compatible with surrounding land uses?

Conclusion: As conditioned, the request is compatible with the surrounding land uses.

- Finding: (1) Based on site photos (Attachment B), the parcel is currently used primarily for residential purposes and does not contain any active farmland. The parcels immediately adjacent to the subject parcel are also used primarily for residential purposes except for the parcels to the east which are used for mineral extraction and farmland.
 - (2) The parcel is in Coyote Cove Subdivision #2, which has lot sizes ranging from approximately 1-4 acres (Attachment F). If this rezone and subdivision is approved, the average lot size of the two lots would be 1.46 acres. All lots within Coyote Cove Subdivision #2 are currently larger than this average except Lot 1 Block 1, which is 0.89 acre. Nampa City subdivisions to the north and northeast have lot sizes under a quarter acre (Attachment E). There are 73 subdivisions within one mile of the subject property with an average lot size of 0.36 acres. Within 600 ft, the average lot size is 5.07 acres and the median is 1.99 acres.
 - (3) The request would result in potentially adding one additional dwelling. The parcel is currently allowed to add a secondary residence which would add the same number of trips per day. There are no proposed conditions for this case that would prohibit secondary dwellings after the subdivision is completed, but the existing building envelope would constrain the ability to fit two dwellings on either lot.
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits and attachments found in Case No. CR2022-0032.
- 4. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: The proposed conditional rezone will negatively affect the character of the area.

- **Finding:** (1) The area is a mix of rural, agricultural, and residential. The parcel is in Coyote Cove Subdivision #2, which has lot sizes of approximately 1-4 acres (Attachment F). Nampa City subdivisions to the north and northeast have lot sizes under a quarter acre (Attachment E). Lake Lowell is approximately 1,700 ft south of the subject property. A gravel pit is located directly to the east (Attachment G). There are 73 subdivisions within 1 mile of the subject property with an average lot size of 0.36 acres. Within 600 ft, the average lot size is 5.07 acres and the median is 1.99 acres.
 - (2) All county parcels within one mile are zoned "A" (Agricultural) (Attachment D).
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Newspaper notice was published on June 14, 2023. Property owners within 600' were notified by mail on June 14, 2023. The property was posted on June 23, 2023. One written comment was accepted into record during the Planning & Zoning Commission hearing (Attachment K). The letter is from Timothy Rambo, president of Rambo Sand & Gravel, who is opposed to the request due to the possibility of traffic interfering with the gravel operation. Three public comments from neighbors opposed to the case as well as a statement signed by property owners from case PH2018-6 was submitted prior to the Board of County Commissioners hearing (Attachments L1-L4).

- (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits and attachments found in Case No. CR2022-0032.
- 5. Will adequate facilities and services including sewer, water, drainage, irrigation, and utilities be provided to accommodate proposed conditional rezone?

Conclusion: Adequate irrigation may not be provided to accommodate the request at the time of development.

- **Finding:** (1) Future development will require a domestic well and septic systems. Future development will be required to meet Idaho Department of Water Resources and Southwest District Health requirements regarding the placement of a well and septic system. Drainage and irrigation will be addressed at the time of subdivision.
 - (2) Verbal testimony from property owners in Coyote Cove Subdivision No. 2 in the Planning & Zoning Hearing (Attachment J) indicated that properties in the subdivision and some outside are irrigated via pressurized irrigation from a community irrigation well which was existing when the parcel was used as farmland. It is unclear who has control over the water rights and whether the proposed second parcel would be able to use water rights for irrigation. If not, they would only be allowed to irrigate 0.5 acre from the domestic well. This would leave at least 0.5 acre unirrigated, which could become a public nuisance.
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and full political noticing were sent on June 13, 2023.
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits and attachments found in Case No. CR2022-0032.
- 6. Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?

Conclusion: The request does not require public street improvements. No measures are necessary to mitigate traffic impacts.

- **Finding:** (1) The request is not anticipated to create a significant impact to traffic patterns. This would add one additional dwelling, which would generate approximately 9.52 trips per day according to CCZO 07-10-03 Note 3. The parcel is currently allowed to add a secondary residence which would add the same number of trips per day.
 - (2) There are no proposed conditions for this case that would prohibit secondary dwellings after the subdivision is completed, but the existing building envelope would constrain the ability to fit two dwellings on either lot.
 - (3) No agencies stated they had concerns regarding traffic impacts. The request is not anticipated to cause undue interference with existing or future traffic patterns.
 - (4) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and full political noticing were sent on June 13, 2023.
 - (5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits and attachments found in Case No. CR2022-0032.
- 7. Does legal access to the subject property for the conditional rezone exist or will it exist at time of development?

Conclusion: The property will have legal access at the time of development.

Finding: (1) According to the concept plan (Attachment A), the property will have 60 ft of frontage along S Middleton Rd, a public road. Nampa Highway District provided a copy of their approved land

- split application indicating that they would require an approach permit (Attachment H). The new approach will be required to meet highway district standards.
- (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and full political noticing were sent on June 13, 2023.
- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits and attachments found in Case No. CR2022-0032.
- 8. Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire, and emergency medical services? What measures will be implemented to mitigate impacts?

Conclusion: Essential services will be provided to accommodate the use. No mitigation is proposed at this time.

- Finding: (1) The property will be served by Nampa School District, Nampa Fire Department, and Canyon County Emergency Services. All essential services were notified. Nampa Fire District stated that they will provide the property with emergency services, the development will not have a negative impact on the department, and that they do not oppose the application (Attachment I).
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and full political noticing were sent on June 13, 2023.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits and attachments found in Case No. CR2022-0032.

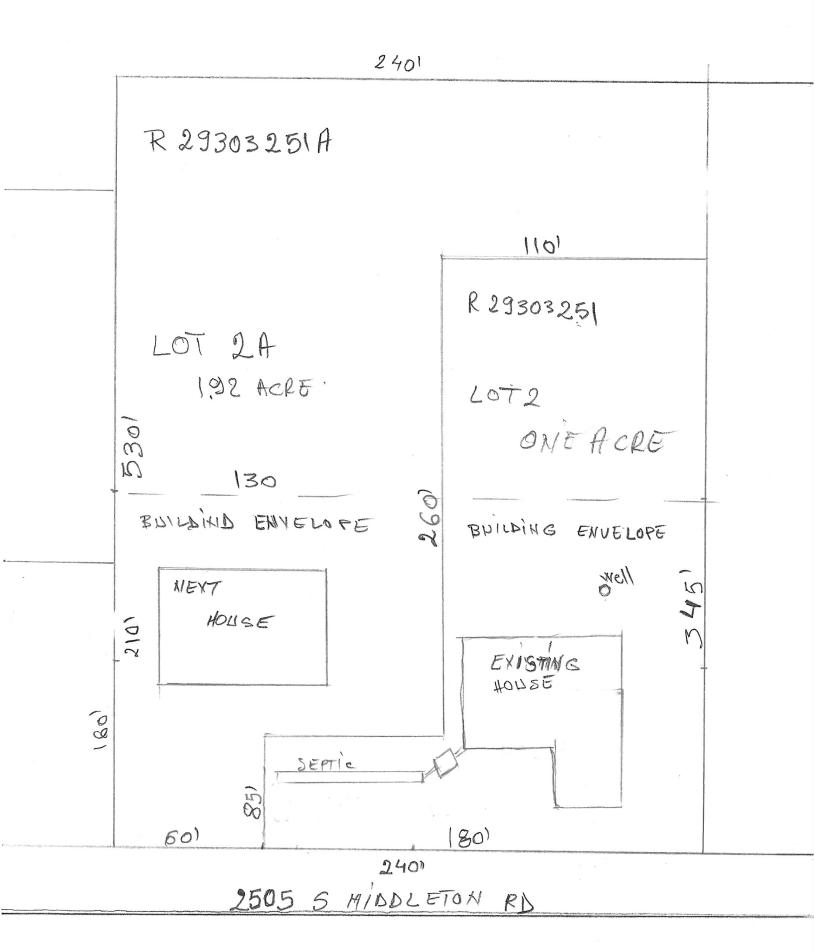
Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of County Commissioners denies Case # CR2022-0032, a conditional rezone of Parcel R29303251 from an "A" (Agricultural) zone to a "CR-R-1" (Conditional Rezone - Single-Family Residential) zone.

2022

Pursuant to Section 67-6535 of the Idaho Code, the applicant has 14 days from the date of the final decision to seek reconsideration before seeking judicial review.

	day of, 20.	23.		
Motion Carried/Split Vote Below Motion Defeated/Split Vote Below Did Yes No Vot Commissioner Leslie Van Beek	NTY BOARD OF COMMISSIONERS			
Yes No Vot Commissioner Leslie Van Beek	Carried/Split Vote Below			
	Ŋ	Yes	No	Did Not Vote
Commissioner Brad Holton	eslie Van Beek			
	rad Holton			
Commissioner Zach Brooks	ach Brooks			
Attest: Chris Yamamoto, Clerk	namoto, Clerk			
By: Date: Deputy		Date: _		



Site Photos: Taken March 21, 2023

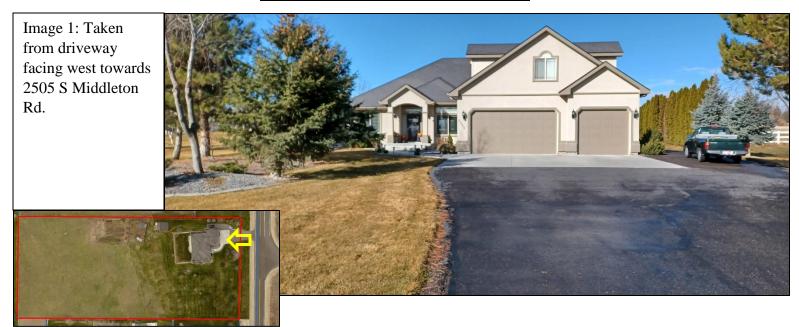






Image 4: Taken from driveway facing southeast towards the neighboring gravel pit. Image 5: Taken from driveway facing east towards the neighboring gravel pit. Image 6: Taken from driveway facing northeast.

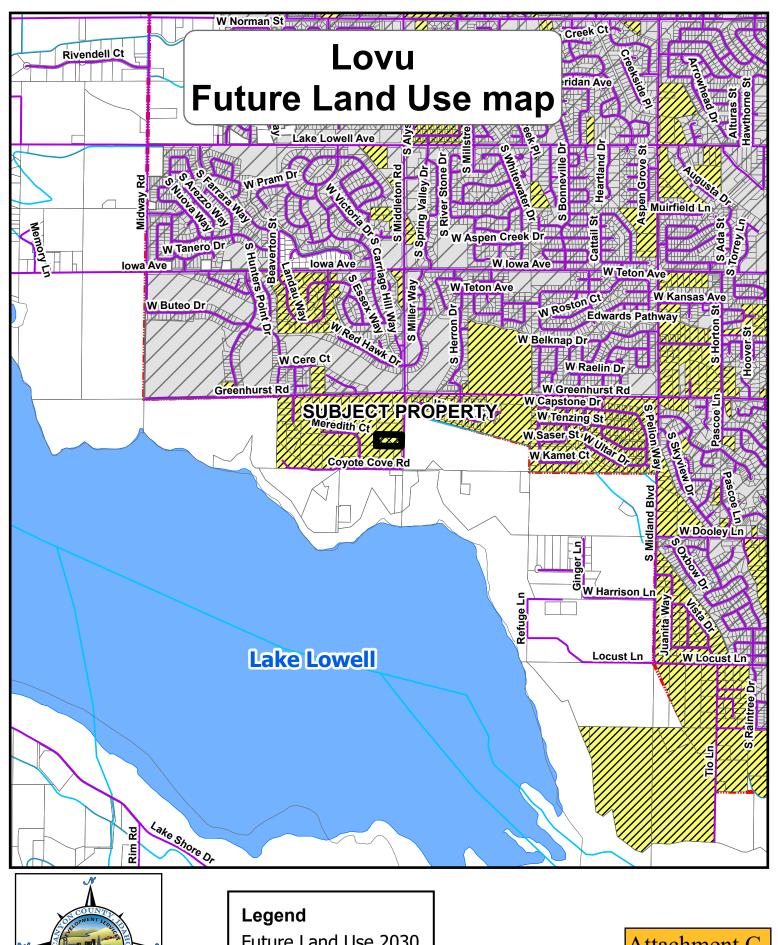


Image 8: Taken from S Middleton Rd facing west into the subject property.



Image 9: Taken from S Middleton Rd facing southwest into the subject property.

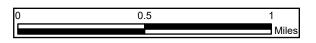


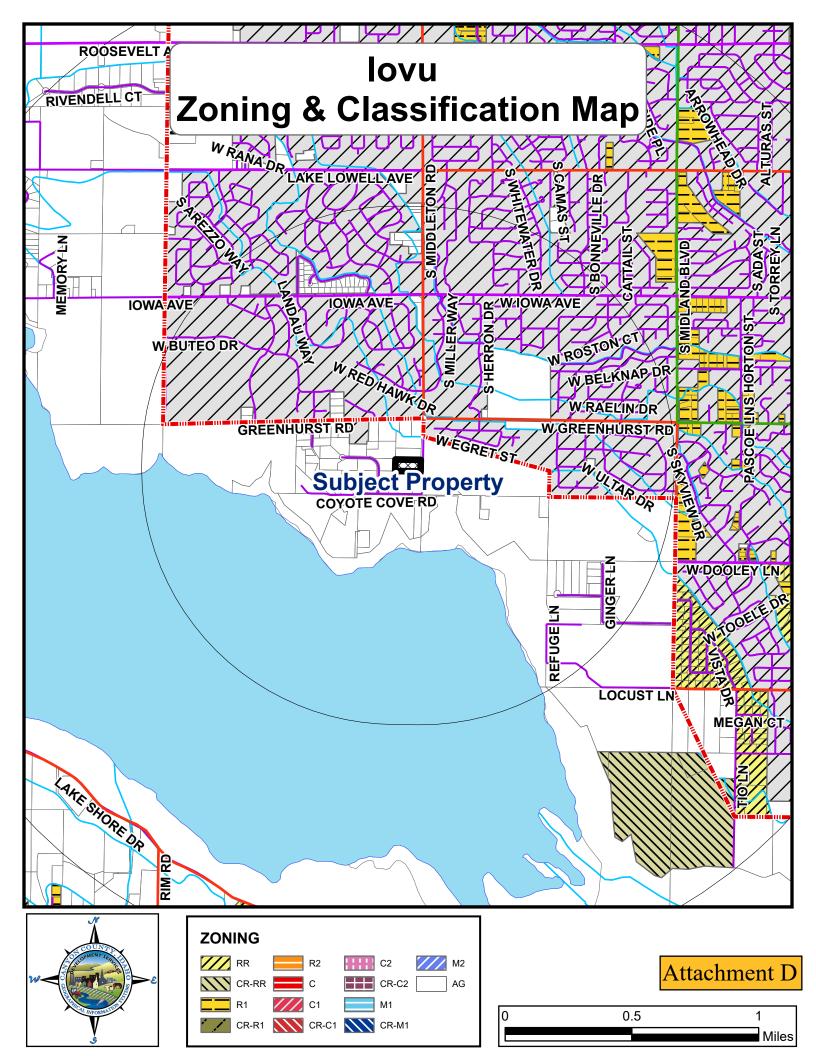


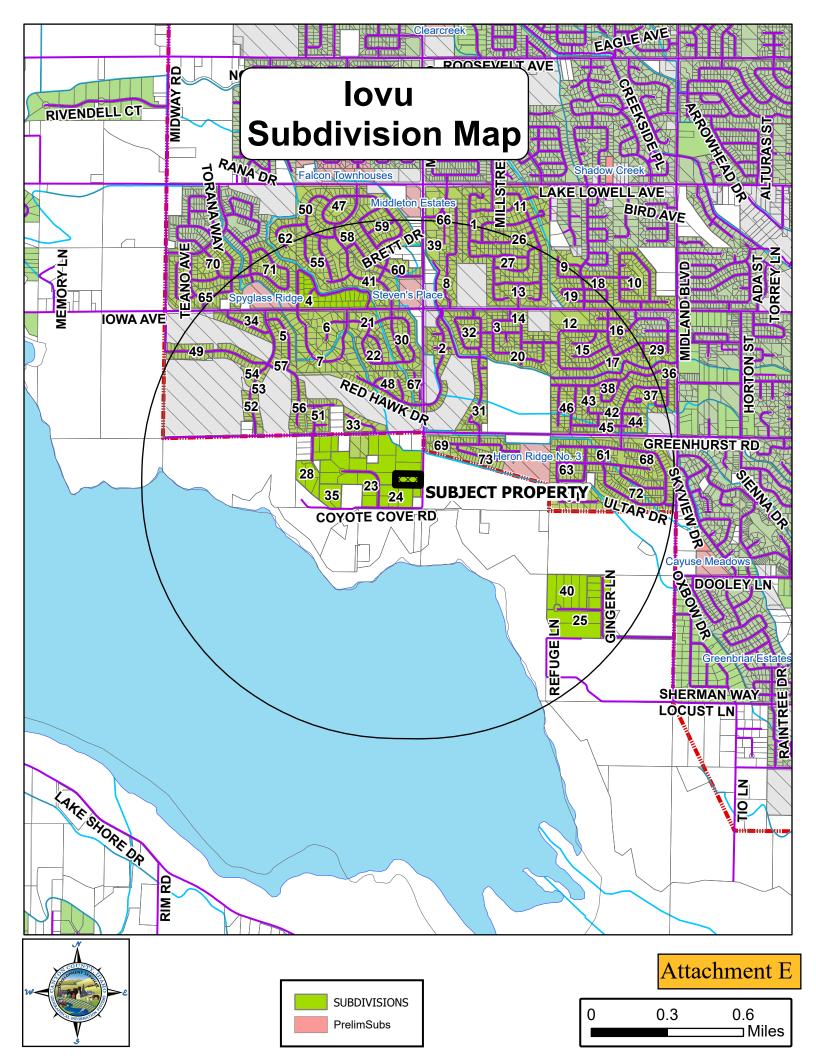












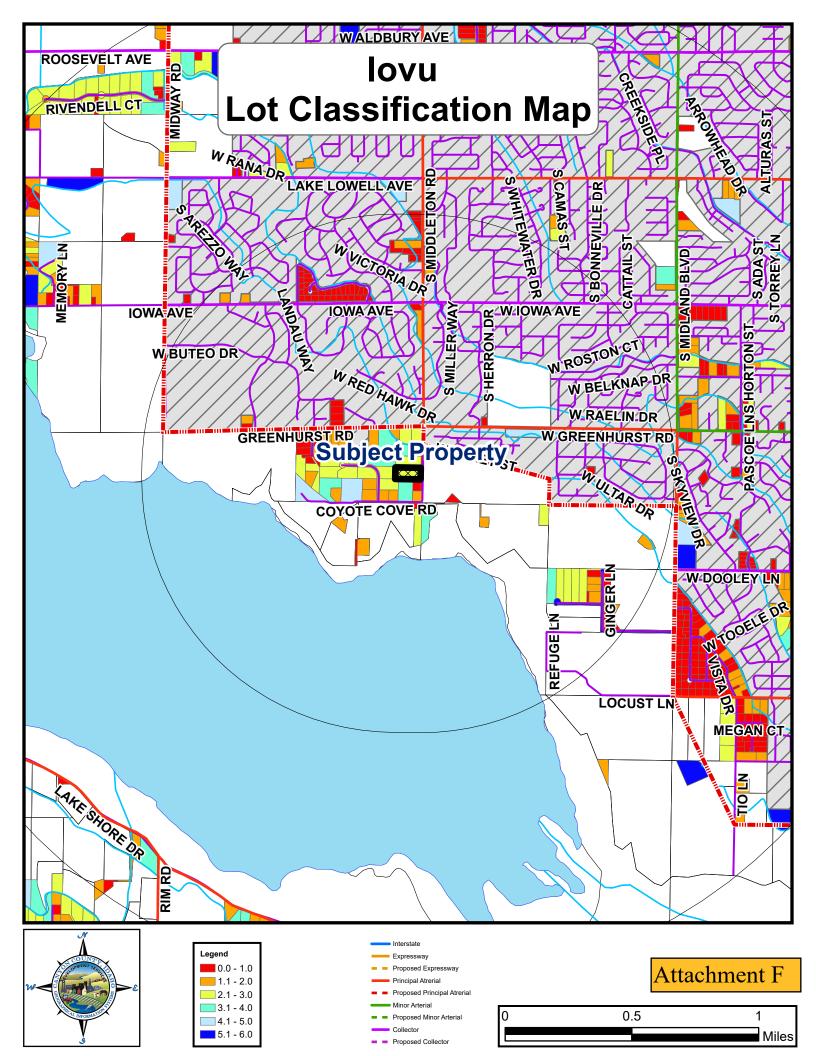
NUMBER OF SUBS	ACRES IN SUB				
NOMBER OF SUBS		NUMBER OF LOTS	AVERAGE LOT SIZE		
73	1012.25	2808	0.36		
NUMBER OF SUBS IN PLATTING	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE		
3	28.86	130	0.22		
NUMBER OF LOTS NOTIFIED	AVERAGE	MEDIAN	MINIMUM	MAXIMUM	
33	5.07	1.99	0.07	52.57	
NUMBER OF MOBILE HOME PARKS	ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE	MAXIMUM	-

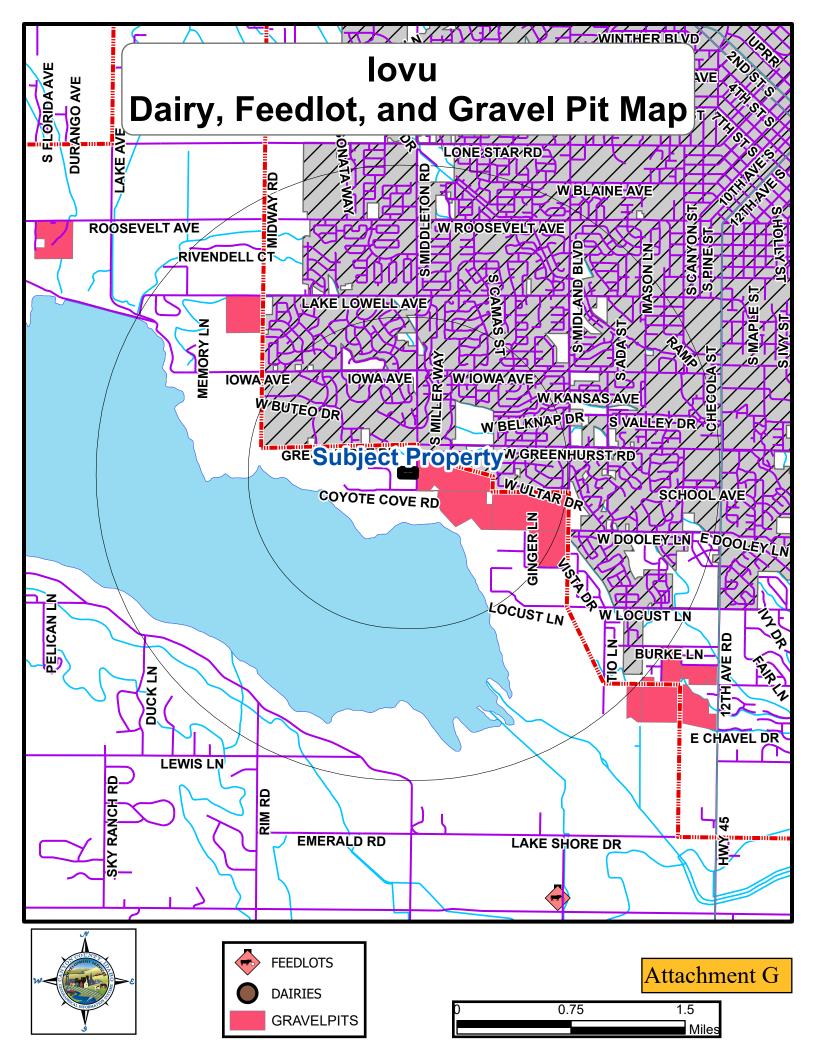
		PLATTE	SUBDIVI	SIONS			
SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF	Year
FALL RIVER ESTATES #5	1	3N2W32	19.84	54	0.37	NAMPA (CITY)	2000
MILLER CROSSING	2	3N2W32	14.12	53	0.27	NAMPA (CITY)	200
OWYHEE ESTATES #2	3	3N2W32	8.18	32	0.26	NAMPA (CITY)	200
VERDE HILLS SUB	4	3N2W31	18.24	34	0.54	COUNTY (Canyon)	197
SUNRISE CROSSING	5	3N2W31	12.39	41	0.30	NAMPA (CITY)	200
CARRIAGE HILL #1	6	3N2W31	24.16	42	0.58	NAMPA (CITY)	199
CARRIAGE HILL #2	7	3N2W31	15.58	25	0.62	NAMPA (CITY)	200
SPRING VALLEY SUB	8	3N2W32	10.27	25	0.41	NAMPA (CITY)	200
VICTORY SUB #5	9	3N2W32	9.62	31	0.31	NAMPA (CITY)	199
WILLOW CREEK SUB-NA	10	3N2W32	27.26	107	0.25	NAMPA (CITY)	199
FALL RIVER ESTATES #4	11	3N2W32	27.43	88	0.31	NAMPA (CITY)	200
MIDLAND PARK #4	12	3N2W32	14.13	31	0.46	NAMPA (CITY)	200
FALL RIVER ESTATES	13	3N2W32	19.07	59	0.32	NAMPA (CITY)	200
OWYHEE ESTATES #1	14	3N2W32	10.28	39	0.26	NAMPA (CITY)	200
MIDLAND PARK #5	15	3N2W32	13.43	55	0.24	NAMPA (CITY)	200
MIDLAND PARK #3	16	3N2W32	13.41	46	0.29	NAMPA (CITY)	2000
MIDLAND PARK #6	17	3N2W32	12.40	44	0.28	NAMPA (CITY)	2002
VICTORY SUB #4	18	3N2W32	8.45	35	0.24	NAMPA (CITY)	1997
VICTORY SUB #6	19	3N2W32	11.22	42	0.27	NAMPA (CITY)	1998
OWYHEE ESTATES #3	20	3N2W32	13.03	51	0.26	NAMPA (CITY)	2005
CARRIAGE HILL #3A	21	3N2W31	10.05	26	0.39	NAMPA (CITY)	200
CARRIAGE HILL #3B	22	3N2W31	10.19	28	0.36	NAMPA (CITY)	2005
COYOTE COVE #2	23	2N2W06	45.80	18	2.54	COUNTY (Canvon)	2000
COYOTE COVE #3	24	2N2W06	7.92	4	1.98	COUNTY (Canyon)	2004
EAST LAKE ESTATES	25	2N2W05	27.76	18	1.54	COUNTY (Canyon)	1980
FALL RIVER ESTATES #3	26	3N2W32	17.28	50	0.35	NAMPA (CITY)	2005
FALL RIVER ESTATES #2	27	3N2W32	12.81	43	0.30	NAMPA (CITY)	2004
LYNACREST ESTATES	28	2N2W06	11.72	11	1.07	COUNTY (Canyon)	197
MIDLAND PARK #2	29	3N2W32	10.97	40	0.27	NAMPA (CITY)	1999
CARRIAGE HILL #4	30	3N2W31	17.78	53	0.27	NAMPA (CITY)	200
HERRON SPRINGS #2	31	2N2W05	13.50	49	0.34	NAMPA (CITY)	200
HERRON SPRINGS #2	32	3N2W32	17.96	61	0.29	NAMPA (CITY)	2006
ROYAL RIDGE SUBDIVISION	33	2N2W06	7.02	19	0.29	NAMPA (CITY)	2006
NORTH SLOPE AT HUNTERS POINT SUB	34	3N2W31	10.03	37	0.37	NAMPA (CITY)	2006
PATNODE SUBDIVISION	35 35	3N2W31 2N2W06	4.86	2	2.43	COUNTY (Canyon)	2006
SANDS POINTE #1	36	3N2W32	9.42	32	0.29	NAMPA (CITY)	2007
SANDS POINTE #1 SANDS POINTE #2	37	3N2W32 3N2W32	9.42 15.72	59	0.29	NAMPA (CITY)	2007
SANDS POINTE #3	38	3N2W32	9.98	37 7	0.27	NAMPA (CITY)	2007
FALL RIVER SOUTH SUBDIVISION	39	3N2W32	4.64		0.66	NAMPA (CITY)	202
LAKESIDE SUB	40	2N2W05	13.48	5	2.70	COUNTY (Canyon)	2005
CARRIAGE HILL NORTH SUB NO 1	41	3N2W31	17.90	39	0.46	NAMPA (CITY)	201
SANDS POINTE SUBDIVISION #4	42	3N2W32	2.10	10	0.21	NAMPA	2013
SANDS POINTE SUBDIVISION # 7	43	3N2W32	6.38	26	0.25	NAMPA	2013
SANDS POINTE SUBDIVISION # 5	44	3N2W32	6.52	27	0.24	NAMPA	201
SANDS POINTE #6	45	3N2W32	4.08	15	0.27	NAMPA	201
SANDS POINTE SUBDIVISION # 8	46	3N2W32	19.64	74	0.27	NAMPA	201
CARRIAGE HILL NORTH SUB NO 3	47	3N2W31	16.46	35	0.47	NAMPA (CITY)	201
RED HAWK RIDGE SUBDIVISION NO. 2	48	3N2W31	18.18	51	0.36	NAMPA (CITY)	201
RED HAWK RIDGE SUBDIVISION #3	49	3N2W31	14.21	51	0.28	NAMPA (CITY)	201
CARRIAGE HILL NORTH SUBDIVISION NO. 5	50	3N2W31	12.81	26	0.49	NAMPA (CITY)	201
RED HAWK RIDGE SUBDIVISION # 4	51	3N2W31	8.92	39	0.23	NAMPA (CITY)	201
RED HAWK RIDGE SUBDIVISION # 1B	52	3N2W31	6.45	24	0.27	NAMPA (CITY)	201
RED HAWK RIDGE SUBDIVISION #1A	53	3N2W31	1.10	5	0.22	NAMPA (CITY)	201

RED HAWK RIDGE PARK SUBDIVISION	54	3N2W31	3.56	2	1.78	NAMPA (CITY)	2017
CARRIAGE HILL NORTH SUB NO 6	55	3N2W31	18.46	48	0.38	NAMPA (CITY)	2018
RED HAWK RIDGE SUBDIVISION # 5	56	3N2W31	9.09	36	0.25	NAMPA (CITY)	2018
RED HAWK RIDGE DOG PARK SUBDIVISION	57	3N2W31	2.41	2	1.21	NAMPA (CITY)	2019
CARRIAGE HILL NORTH SUB NO 2	58	3N2W31	13.29	0	#DIV/0!	NAMPA (CITY)	2014
CARRIAGE HILL NORTH SUBDIVISION NO. 4	59	3N2W31	28.01	78	0.36	NAMPA (CITY)	2016
CARRIAGE HILL NORTH SUBDIVISION NO. 7	60	3N2W31	5.89	12	0.49	NAMPA (CITY)	2019
SUMMIT RIDGE SUBDIVISION NO. 1	61	2N2W01	21.20	65	0.33	NAMPA	2019
CARRIAGE HOLLOW SUBDIVISION	62	3N2W31	9.06	26	0.35	NAMPA (CITY)	2019
SUMMIT RIDGE SUBDIVISION NO. 2	63	2N2W05	9.27	33	0.28	NAMPA	2020
SUMMIT RIDGE SUBDIVISION NO. 3	64	2N2W05	16.26	25	0.65	NAMPA	2020
CARRIAGE HILL WEST SUBDIVISION NO. 4	65	3N2W31	19.78	60	0.33	NAMPA (CITY)	2020
FALL RIVER WEST SUBDIVISION	66	3N2W32	22.55	57	0.40	NAMPA (CITY)	2008
RED HAWK RIDGE SUBDIVISION NO. 6	67	3N2W31	4.18	20	0.21	NAMPA (CITY)	2021
SUMMIT RIDGE SUBDIVISION NO. 4	68	2N2W05	21.41	66	0.32	NAMPA	2021
HERON RIDGE SUBDIVISION NO. 1	69	2N2W05	12.91	47	0.27	NAMPA	2021
CARRIAGE HILL WEST SUBDIVISION NO. 3	70	3N2W31	25.03	77	0.33	NAMPA (CITY)	2020
CARRIAGE HILL WEST SUBDIVISION NO. 6	71	3N2W31	22.97	85	0.27	NAMPA (CITY)	2021
SUMMIT RIDGE SUBDIVISION NO. 5	72	2N2W05	20.38	73	0.28	NAMPA	2022
HERON RIDGE SUBDIVISION NO. 2	73	2N2W05	10.39	41	0.25	NAMPA	2022

SUBDIVISIONS IN PLATTING									
SUBDIVISION NAME	ACRES	NO. OF LOTS	AVERAGE LOT SIZE						
Spyglass Ridge	8.84	56	0.16						
Steven's Place	6.24	23	0.27						
Heron Ridge No. 3	13.78	51	0.27						

	MOBILE HO	OME & R	V PARKS			
SUBDIVISION NAME	SITE ADDRESS	ACRES	NO. OF SPACES	UNITS PER ACRE	CITY OF	



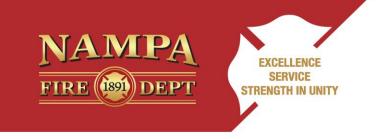




SECTION I — APPLICANT INFORMATION (TO BE COMPLETED BY APPLICANT) I certify that I am the owner (or authorized representative of owner) of the property proposed to be split.	
NAME OF APPLICANT	SIGNATURE OF APPLICANT
2505 S. MIBOLETON RD	2-01-2023 DATE
ADDRESS	
NAMPA ID 8368	6 208-204-73/1
CITY STATE ZIP PHONE (CELL NUMBER PREFERRED)	
ROAD NAME: SIMILA CETON RA BETW	JEEN OFF Greephourst
	FIRST CROSS STREET SECOND CROSS STREET
SIDE OF ROAD: TOTAL NUMBER OF:	PLATTED SUBDIVISION?
□ North □ South New Lots:	No (attach sketch of proposed land split)
☐ East ☐ West New Access Points:	Yes (submit Conceptual Plan prepared by an Engineer)
SECTION II - WORKSHEET/RECOMMENDATION (TO BE CO	OMBLETED BY LUCLIWAY DISTRICT)
	a start
APPLICATION FEE: ☐ Paid ☐ Not Paid Ch#2236	85" PERCENTILE SPEED: mpn
ROAD NO. 2/84	SIGHT DISTANCE: 🖾 Sufficient 🛚 Insufficient
ROAD SURFACE: ☑ Asphalt ☐ Gravel ☐ Dirt	TRAFFIC VOLUME: 301 ADT
SHARED ACCESS: 🗆 Yes 💆 No	FUNCTIONAL CLASSIFICATION: Arterial
CHIVEDTO DECLUDED MAY 17 17	☐ Collector
CULVERTS REQUIRED: 🔯 Yes 🗆 No	∅ Other
MEETS ACCESS CONTROL STANDARDS?: ☐ Yes ☐ No	Frentch@Yahoo. Com & WiovuQyaho
ADDITIONAL REMARKS/CONDITIONS: (IF NONE, SO STATE) Middly w Campon Comity	
New point of access must	Meet Current Spacing requirement
of 75. No circle drive p	
received for new course	and the separate person
required to hew wicess	
THIS LAND SPLIT IS:	
Recommended for approval,	Dett. 0
subject to the above conditions	ul Mul 2-1-23
□ Not recommended SIGNATURE –	- HIGHWAY DISTRICT OFFICIAL DATE

DATE





ADMINISTRATIVE OFFICE 9 – 12th Avenue South Nampa, ID 83651

p 208.468.5770 f 208.468.5780

DATE: December 29, 2022

TO: Canyon County Development Services Department

FROM: Ron Johnson, Nampa Fire District, Fire Marshal

APPLICANT: Claudia Frent

OWNER: Virgil Iovu

ADDRESS: 2505 S Middleton Rd. Nampa, ID

RE: CRR2022-032

This application is for a conditional rezone from R-R to CR-R-1 with a development agreement limiting the divisions of the property.

The Nampa Fire District would provide this development with emergency services and does not have a negative impact on Nampa Fire District. Nampa Fire District does not oppose the application subject to compliance with all the following code requirements and conditions of approval.

Conditions:

- 1. Fire hydrants, capable of producing the required fire flow, shall be located along approved fire lanes. Fire hydrant spacing shall meet the requirements of IFC table C105.1.1 (IFC 507.3, IFC B105.2, IFC C105). There is an existing City fire hydrant about 600 feet to the north. This hydrant may be sufficient for this development depending on location and size of the new structure.
- Dead-end fire apparatus access roads exceeding 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus. (IFC 503.2.5)
- 3. Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. (IFC 503.1.1)
- 4. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. (IFC 503.2.1)
- 5. The minimum outside turning radius of a fire apparatus access road shall be 48 feet. The minimum inside turning radius shall be 28 feet. (IFC 503.2.4)
- 6. Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface and can support the imposed load of



ADMINISTRATIVE OFFICE 9 – 12th Avenue South Nampa, ID 83651

p 208.468.5770 f 208.468.5780

fire apparatus weighing at least 75,000 pounds. Please provide documentation the road surface meets this standard. (IFC D102.1)

7. Fire apparatus access roads shall not exceed 10 percent in grade. (IFC D103.2)

Emergency Response Time Analysis and Service Impact:

1. The City of Nampa 2040 comprehensive plan states the response objective for Nampa Fire Department is to arrive to 90% of emergency medical incidents within 5 minutes of the alarm time, and within 5 minutes and 20 seconds to fire incidents. To accomplish these response time objectives requires that travel distances be approximately 1 ½ miles from the nearest fire station. This development is located approximately 2.8 miles from Nampa Fire Station 2 with an approximate response time of 8 minutes. Nampa Fire Station 6 will be opening in August 2023 and will provide response times of approximately 6 minutes to this location.

General Requirement:

Fire Department required fire hydrants, access, and street identification shall be installed prior to construction or storage of combustible materials on site. Provisions may be made for temporary access and identification measures.

Specific building construction requirements of the International Building Code, International Fire Code and City of Nampa Code will apply. However, these provisions are best addressed by a licensed Architect at time of building permit application.



CANYON COUNTY PLANNING & ZONING COMMISSION MINUTES OF REGULAR MEETING HELD Thursday, April 6, 2023 6:30 P.M.

1ST FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

Commissioners Present:

Robert Sturgill, Chairman

Patrick Williamson, Commissioner Harold Nevill, Commissioner Miguel Villafana, Commissioner

Staff Members Present:

Dan Lister, Planning Official

Jenna Petroll, Planner

Madelyn Vander Veen, Planner Michelle Barron, Planner

Deb Root, Planner

Bonnie Puleo, Recording Secretary

Chairman Robert Sturgill called the meeting to order at 6:30 p.m.

Commissioner Villafana read the testimony guidelines and proceeded to the first business item on the agenda.

Case No. CU2022-0045/Treasure Valley Transit: The applicant, Treasure Valley Transit, is requesting a conditional use permit to allow a quasi-public use within an "R-R" (Rural Residential) Zoning District. The use includes office buildings, outbuildings, and employee and commercial vehicle parking for a private nonprofit public transportation company. The subject property is located at 3101 S Powerline Rd, Nampa on Parcels R29190; also referenced as a portion of the SE ¼ of Section 03, Township 2N, Range 2W; BM; Canyon County, Idaho.

Planner Jenna Petroll reviewed the Staff report for the record.

Chairman Robert Sturgill affirmed the witness to testify.

Testimony:

Terri Lindenberg - Applicant (Representative) - IN FAVOR - 1136 W. Finch Drive Nampa ID 83651

Ms. Lindenberg is the director of Treasure Valley Transit. She thanked staff for their work on this application. She wanted to give the history of Treasure Valley Transit; who they are, who they serve and their relationship with Canyon County. Treasure Valley Transit began in 1992 as a consortium of agencies. Ms. Lindenberg said they wanted to bring together resources for a foundation to address the unmet need for transportation. She listed the various agencies who worked with Treasure Valley Transit in the early days. Their goal was to coordinate vehicles and build the foundation for what would become Treasure Valley Transit in 1996 with the focus of providing transportation for healthcare, medical appointments, people with disabilities and seniors. In 1996, they became a standalone, non-profit, public transportation system supported by local cities, Canyon County as well as the organizations they serve. Ms. Lindenberg

said they are non-emergency medical transportation and are an 'on-demand' service. Their largest customer base is now are people with cognitive disabilities and they operate all over Canyon County as well as part of Owyhee County. In 2019, they provided approximately 46,000 rides with 10 vehicles. She said then came COVID. At the time they were recognized as an essential service; they never shut down during COVID although the number of rides declined. They are still operating a little lower than 2019 due to the widespread use of TeleHealth, labor shortages and other things. Ms. Lindenberg said they are sometimes confused with Valley Regional Transit Authority. When they began in 1992, Canyon County was considered rural and that designation did not change until the 2000 census. When it did change, Valley Regional Transit (Valley Ride) was voted in and they took over the rural routes. They also provide services in three other rural areas: Mountain Home, Payette County and McCall. Ms. Lindenberg said their offices have always been located in Nampa. Right now, they are in a very small location on .7 acres with a 1600 square foot building. For the last 10 years, they have been looking for another facility and as a nonprofit she said that's difficult. Everything they looked at for the past 10 years, they were not successful at acquiring. She said this property was a government surplus sale and following the federal transportation guidelines, they had to get a categorical exclusion to make sure the property met all the Federal regulations. They entered into the competitive bid process and were successful. She said this is a 10,000 square foot building. They currently hold trainings in a hotel because of space issues. With this building, they will be able to hold trainings at their facility and have a driver's lounge, adequate office space and a board meeting room. They will utilize every square foot of the building. They have 33 employees including 10 drivers. Ms. Lindenberg talked about the neighborhood meeting and the questions that were brought up by the neighbors. She discussed the times the ten buses would leave the facility and said they do not all leave at the same time. She also wanted to address the 25 buses. She listed the amount of buses they currently have (5 buses, 5 vans 7 backup buses). She said the reason they have 7 back up buses is because when they ordered 8 new buses they were told that because of supply chain problems, it would be 2-4years until the buses would be delivered. Those 7 back up buses are held in case a bus breaks down and needs to go in for repairs. This facility is perfect for them and meets their needs. They would be a very good neighbor and they would like to maintain the property in the condition it currently is in. She would like to be able to provide the beautiful surroundings for her staff.

Commissioner Williamson asked about doing vehicle repairs on site. Ms. Lindenberg said they contract with a repair shop in Meridian and that shop does all the maintenance. They would not do vehicle maintenance or repair on site. The only work they would do at the facility is replacing light bulbs or window wiper blades. No hazardous materials would be stored or heavy maintenance would be completed on site.

Commissioner Nevill asked if she had looked at all 16 conditions and asked if she agreed with them all. She responded that she has and they do agree with all conditions. They were surprised about the walking path but are going to work on that with the City of Nampa on construction and funding.

Commissioner Villafana asked about the limit of 25 vehicles. Would they be close to that 25 vehicle limit? Ms. Lindenberg said the only time they would get close to the 25 vehicle limit would be when the new replacement vehicles are delivered. In order to grow enough to require the 25 vehicle threshold, they would have to get the rural grant funding and have a local match. She did not see that happening.

MOTION: Commissioner Williamson moved to close public testimony on Case CU2022-0045 seconded by Commissioner Villafana. Voice vote, motion carried.

DELIBERATION:

Commissioner Nevill wanted to add a couple of items to the findings. For Finding #4 if it was injurious to other property or Wilson Pond, he would like to add that the Conditions of Approval will mitigate those concerns because there would be no vehicle maintenance on site which means there will be no oils used and so would not be injurious to the area. He said it is an additional finding that helps support the staff's

finding. For Findings of Fact #5 about adequate drainage; Commissioner Nevill said the drainage will be retained on site and again, as there will be no maintenance on site, so the drainage will be fine and it won't impact Wilson Ponds. He also said for Condition of Approval #7 on the interference of traffic; they found that the vehicles leave at staggered times and that additionally supports the finding.

MOTION: Commissioner Nevill moved to approve Case CU2022-0045 including the modified Findings of Facts, Conclusions of Law and Conditions of Approval. Motion seconded by Commissioner Williamson. Roll call vote: 4 in favor, 0 opposed, motion passed.

➤ Case No. CR2022-0032/Claudia Frent & Virgil Iovu: Claudia Frent, representing Virgil Iovu, is requesting a conditional rezone of Parcel R29303251 from a "R-R" (Rural Residential) zone to a "CR-R-1" (Conditional Rezone - Single-Family Residential) zone. The request includes a development agreement that limits the number of divisions of the parcel and maintains the existing building envelope. The 2.92-acre property is located at 2505 S Middleton Road, Nampa; also referenced as a portion of the NE¼ of Section 06, T2N, R2W, BM, Canyon County, Idaho.

Planner Madelyn Vander Veen reviewed the Staff report for the record.

Chairman Robert Sturgill affirmed the witnesses to testify.

Testimony:

Claudia Frent – Applicant (Representative) – IN FAVOR – 12359 Rivendell Court Nampa ID 83686

Ms. Frent wanted to be clear that she is not legally representing the lovu's, she is speaking for them due to a language barrier. She is also happy to translate for them if the Commission wanted to ask them questions directly. She said the CC&R's do not prevent splitting the parcel; it states they must go through the County and that is why they are going through this process. The lovu's want to split the property to downsize and build a second home. They are allowed to have the second home on the property now but she said building a second home doesn't make sense for them as they are aging and have no children. They would like to sell off the home they have now and downsize. They meet the criteria; they are not infringing on anyone, they are not creating excess traffic, noise and dust. They will stay within the building envelope and they have no infractions with the Homeowner's Association (HOA) or issues with their neighbors. Ms. Frent said the lovus have property rights and their request is simple: they want to build another home. In the neighborhood meeting, the two concerns they heard were the neighbors didn't want the lovus to split because others will want to do it and they were told they should sell, move and build another house. She said they shouldn't have to move in this economy and she said they have the right to split their property. No agencies are in opposition and they will follow all the rules and adhere to the building envelope. She said some neighbors are in favor of the lovus splitting their property but they don't have the courage to come up and say it because they don't want to go against the HOA. Ms. Frent said the HOA does not have the final say and can't violate the lovus private property rights: they have to have a valid reason to oppose a split. Up until this point, they have not been given a valid reason. Since the last time they were in front of the Commission (in 2018), the HOA has had the opportunity to amend their CC&Rs to prevent a split but they have not done that. They follow the 2030 Comprehensive plan which designated this area as residential. The Nampa city limits are close and while they are not in the city impact area now, she felt they would be soon.

Chairman Sturgill stated that the Commission doesn't enforce the CC&Rs and can't take the CC&R terms into their consideration. He said they have no bearing on their role in the process.

Commissioner Nevill said it was suggested by neighbors that they sell this home and buy a smaller home, which would maintain the character of the area whereas the lovus want to split the lot, build a smaller

home and sell the originally home and lot which would change the area. He said in the end, it seems like the same thing to him and doesn't change the character of the area. He asked her to help him understand why she sees that as the same. Ms. Frent said they are not changing the character of the area anyway as there are smaller lots than the lovu's. She said one house near them in the Coyote Subdivision is on .89 of an acre. The house on .89 acre was shown on the map. Commissioner Nevill asked if they were okay with the four conditions of approval. Ms. Frent answered yes. When asked if she knew the future plans of the gravel pit, she said no. Ms. Frent said the lovus shouldn't have to leave the area they live in and it doesn't make sense for them financially to leave. She also said the lovus had always planned on splitting the property and building a second home when they aged, which is why they built the current house where it is.

Chairman Sturgill asked how do the four proposed development agreement conditions (today) impact the Board of County Commissioner's original decision in 2018? Ms. Frent said she didn't agree with the 2018 finding that it would change the character of the area and the louvs weren't able to adequately express what they wanted to do, due to the language barrier. Ms. Frent said Commissioner Dale made a comment after the 2018 decision when he came out and saw the property that he thought it would have been an 'okay split'.

Susan Ray - IN OPPOSITION - 11980 Meredith Court Nampa ID 83686

Ms. Ray is the secretary/treasurer of the Coyote Cove HOA and Coyote Cove water users. She said when the subdivision was developed, there were water rights involved. There is one (shared) irrigation well as well as each lot has an individual domestic well. The concerns that have been brought to her by almost two thirds of the property owners in the subdivision were if there is another well drilled on that property that hasn't been engineered, what will that do to everyone else's water use. She said she is not a water expert, she is just sharing the concerns. She wanted to go on the record as being opposed to the split. Commissioner Nevill asked about a water users agreement with the HOA. Ms. Ray said the water users' group also encompasses property owners that were not part of the HOA. It was shown on the map where the well was located and the properties it services. Commissioner Nevill asked if the water users' agreement language states that individual lot owners can't split their property unless they have approval from the rest of the association or was there a process for that. She said the water agreement only lists the lots in the original development. He asked if anyone has applied to tap into the irrigation system since the agreement was initially started. Ms. Ray said no and she pointed out one of the property owners who was on the water agreement who then annexed into the City. She said he now uses City water. She said it is on for only part of the year. Commissioner Nevill asked if she was testifying that any new properties would have to tap into the irrigation system because that is the only way the split would have irrigation water. She said she didn't know because they have never had it happen; they would have to find out how to go about it legally. She said the Rambos live behind her and the gravel pit across the street is an actively producing gravel pit. She has not heard of any plans for the gravel pit to leave.

Commissioner Williamson said the existing water right on the current property, wouldn't that be grandfathered in with the lot split. Staff said if they have water rights, they don't just magically go away. During the platting process, they will have to demonstrate how they are getting water and how they are delivering it to that site. Planning Official Dan Lister said this case is to determine whether the zoning is appropriate for the area.

Commissioner Villafana said if the water is with an Irrigation District, the water right follows the property. They still would be able to irrigate lawfully. He asked if the parcel size was the issue or if it was the number of residences using water. Ms. Ray said they didn't know about the water; they would have to find out. They would do what they legally need to do. She said for the lot split itself and the way it affects the community, there are several other properties that have the potential to be split. That is what they are opposed to. Everyone bought into the Coyote Cove development and agreed with what the intent was and they feel this intent is not in alignment with what the rest of the subdivision wants.

Jared Mansfield - IN OPPOSITION - 11951 Meredith Court Nampa ID 83686

Mr. Mansfield is the President of Coyote Cove HOA. He said 95% of the community is against this split. They believe it will ruin the face of the community. He asks the Commission to decline the request and stick to the same reasons for the 2018 decision because nothing has changed.

Chairman Sturgill asked what would ruin the face of area? Mr. Mansfield said this is the start of the neighborhood. It would add a different feel. He feels it is the density of the additional house.

Commissioner Williamson asked if it was the lot size that would also be the issue? Mr. Mansfield said yes, they would kind of go together. Commissioner Williamson said they could still not split the lot but still build a secondary dwelling. Mr. Mansfield said the second home would have to be in the building envelope and still would have to be approved by the architectural committee which he is a member of. Commissioner Williamson reiterated that from the County's viewpoint, they could still do that. Mr. Mansfield said that was true. He said what people have done in the past with the building envelope is put up a barn or an in-law suite and is more in line with what the designers of the community had in mind.

Marc Taylor - IN OPPOSITION - 11820 Meredith Court Nampa ID 83686

Mr. Taylor showed his house on the map. He is a direct neighbor (of the lovus). In 2004, one property owner would not allow the split of a parcel to go to the developer. Subsequently, Mr. Taylor bought the property which they split into like-sized properties to fit the continuity of the subdivision. They also adopted the covenants so this type of thing wouldn't happen. His realtor was adamant that they sign (documents) and the community agreed that they wouldn't split down the road. The lovus built their home off to the side with the full intention of doing this (a split) and no one noticed until the first application in 2018. The community at large has been in opposition to this; they like them as neighbors and told them they could build a shop or mother-in-law quarters but do not set a new precedence in their community. He wonders how the Commission was going to stop this as he has zero building envelope and could put a subdivision there if they start this process. It's going to get really messy and he does not want this to happen. Mr. Taylor said they all get along but this one issue keeps haunting them. He would like the Commission to help this go away. If there is a loophole that needs to be changed, they have their attorney at the meeting and they will get that fixed. Everyone bought with the intention of keeping their properties this way so their values stay the same. He was the one who told the lovus if they didn't like their property's size they should probably sell it and find something smaller. They (the community) have certain restrictions on square footage and they wouldn't be able to downsize that much. They will still have a large lot and he knows how much work it is to take care of the acreages. He asked the Commission not to break precedence in their subdivision and which would cause a lawsuit in the future.

Commissioner Nevill asked if he was saying that the zoning change from Ag to Conditional Rezone to rural residential is the precedence he is talking about. Mr. Taylor said it wasn't the current residents he was concerned about but instead, future buyers might come in and request to split their lots and wonder why they can't. Commissioner Nevill asked Mr. Taylor if he thought rural residential zoning being allowed in an Ag zone would be a foot in the door. Mr. Taylor said yes and that they had fought annexation into the City of Nampa because they wanted to stay in the County to remain rural and agricultural. They wish, as a community, to stay intact.

Commissioner Williamson confirmed with staff that a Conditional Rezone states it is not to be used as a precedence.

<u>Daniel Bower – IN OPPOSITION – 10421 Pheasant Lane Nampa ID 83686</u>

Mr. Bower is the attorney for the HOA. He had one late exhibit, a letter from Mr. Rambo, the owner of the gravel pit, that addressed the question about the gravel pit's future. He said the gravel pit is going to be an active gravel pit and the owner of the gravel pit opposes the conditional rezone. Mr. Bower said if they look at what happened in 2018, you have to look at the findings and ask, "What has changed?" He

read from part B of the 2018 Findings, specifically if the new zoning was more appropriate than the current zoning designation. He said the Commission is going to see testimony from the people who live there who say, 'it is changing'. He said it is about open space. Mr. Bower read another 2018 Finding: 'Is it compatible with surrounding land uses?' which determined it was not compatible because it would create the smaller lots. He said, as a lawyer, he appreciates precedence but we know how the real world works: this will create precedence. He said he appreciates land rights.

MOTION: Commissioner Nevill moved to give Mr. Bower one additional minute of testimony; seconded by Commissioner Villafana.

Mr. Bower continued: He said CC&Rs are important because they go to the character (of the development). They have very restrictive CC&Rs and there is a significant architectural committee requirement and they will be in litigation. He spoke to the architectural committee that morning and they said they will not approve any new construction. Mr. Bower said this is going to create a mess. The better course of action, he said, is to add a second home. There are different ways to protect the property rights. Commissioner Nevill asked if he had looked at the water user agreement. Mr. Bower said it will be a mess; dealing with the irrigation district, there are shares and who owns the shares. He thought they proposed to dig an irrigation well. He hesitates to bring the water issue up because the bigger issue they are concerned about is the character of the area.

Commissioner Williamson asked if was an irrigation well or surface irrigation as an irrigation well doesn't fall under an Irrigation District. Mr. Bower said it was an irrigation well. Commissioner Williamson said if it was a well, there was no Irrigation District involvement. Mr. Bower said he was not adequately prepared to address the legalities of that (water) and water was not the primary focus.

Chairman Sturgill asked staff for a late exhibit number for the letter from Rambo Sand and Gravel. Chairman Sturgill handed out copies of the letter to all Commissioners and asked if there was any objection to the late exhibit. There were no objections and Chairman Sturgill entered the late exhibit into the record.

Ken Jorgensen – IN OPPOSITION – 11228 Coyote Cove Nampa ID 83686

Mr. Jorgenson said he was not in the HOA but he is part of the water district. He came from the San Francisco Bay Area: he said he didn't come to change Idaho, he came to preserve it. He was fortunate to find their house in that neighborhood; there is lots of room around the houses and that is what he wants to keep. He said to say putting another house on that street isn't going to change the character is wrong. He grew up on the San Francisco peninsula so he knows what crowding is. He said the Commissioners need to speak to their counterparts in Fresno. Nampa Planning guy said we have an aquifer with lots of water but Mr. Jorgensen said they don't. He said this is a desert. There isn't lots of water; when they build houses, they channel the water onto the street and it runs away. It doesn't go into the ground. Big fields are being replaced left and right and we are losing that water. If nobody is thinking about what are we going to do in 20 years when the groundwater is gone, it will be like Fresno.

Claudia Frent - Applicant (Representative) - REBUTTAL - 12359 Rivendell Court Nampa ID 83686

Ms. Frent said she lives in a 2-acre subdivision and is the HOA president of that 18 home subdivision. They too have pressurized irrigation. She said splitting this lot will not affect the water; they can irrigate the one acre off its well and the 1.9 acres can be watered off the (existing) irrigation. She believes the Planning Official answered the question well: if approved, they can cross that bridge when they get there. There are checks and balances put in by the County, prohibiting any homeowner from taking water rights from another. She said this will not change the character of the area. If you look at the report that was prepared, the area is a mixed rural/agricultural area. Coyote Cove has lot sizes from 1-acre to 4-acres; the lot sizes

vary. Ms. Frent said according to the attorney and the architectural committee, they aren't even allowed to put up a second home because it won't be approved. She said HOAs do not dictate and override property rights. The CC&Rs state a split can be done if it is approved by the County or if they annex into the City. She provided an example of a neighbor who annexed into the City of Nampa and then completed a lot line adjustment or split. The downsizing refers to their home's size. Ms. Frent said the lovu's home is 2700 square feet and they plan on downsizing to a 2000 square foot home which is the minimum (size for the subdivision). She said the lovu's have property rights and are refugees from a communist county: they deserve to have their property rights upheld. When they were denied previously, the lovus told Ms. Frent that this was more corrupt that Communist Romania.

Chairman Sturgill clarified with Ms. Frent that the 2000 square foot minimum was part of the development CC&Rs. He also asked about the former resident who annexed into the city and why the lovus couldn't do the same. Ms. Frent said that your property has to be touching the City limits to be able to annex into the City of Nampa.

MOTION: Commissioner Nevill moved to close public testimony on Case CR2022-0032 seconded by Commissioner Williamson. Voice vote, motion carried.

DELIBERATION:

Chairman Sturgill reminded everyone that their decision will be a recommendation to the Board of County Commissioners who will make the final decision at a future public hearing.

Commissioner Williamson said he is mixed on how he leans on this issue. He said the issues seems to fall squarely on whether there are the same negative impacts as in 2018 or is it enough of a difference to have the building envelope along with a conditional rezone. The water issue would probably be worked out at the platting stage. He still hasn't reached a decision on how he leans on the case.

Commissioner Nevill said he is also struggling to figure out what has changed enough that they wouldn't lean heavily on the 2018 findings of non-compatibility. There has been testimony on both sides that it will and won't change the character of the area. He said they have to understand that in the code, a conditional rezone says it isn't a foot in the door and can't be used by future developers. But if you have an Ag zone and the zone changes, to him that is a change in the character of the area that winds up being a fact that supports the finding that it will negatively affect the character of the area. As far as the finding about adequate facilities, they may not have a clear understanding of the impact, but the testimony of HOA board members provided compelling testimony that there is a water users' agreement set for a certain number of users and when adding another house, they are going to have to figure out how to irrigate. He clarified that they can only irrigate ½ an acre off a domestic well and he felt they were reaching with this lot size to irrigate off a domestic well. Commissioner Nevill said they are going to have to come up with a solution to the irrigation problem or else it will become a weed pile and that will affect all the neighbors. He is currently not in favor because there are just too many questions and too many concerns. Commissioner Villafana said he is undecided but he is leaning towards approval. He listed his reasons why: since 2018, there are 14 subdivisions that have gone in close to them and within a mile radius the average lot size is .36. He knows those are within city limits but the growth is rapidly surrounding them. The character of the area has significantly changed in the last 4 years; maybe not in their little bubble, but directly outside their little bubble everything has changed. He would rather see an additional parcel/house created from a 3 acre parcel than take out an area of productive farm ground. He said they are already in an area seeing immense growth so you could argue that this is an area that is already suited to a one acre parcel with a house on it. Commissioner Villafana said that is why he is leaning in favor although both sides have valid arguments.

Commissioner Williamson asked Commissioner Nevill about the testimony that one homeowner already annexed into the city. He believes that removes them off the water users' agreement. If Commissioner Nevill is concerned about capacity, if one or two users are no longer eligible for the well because of annexation, did that alleviate his concerns about the capacity of the irrigation well?

Commissioner Nevill said that no one testified that was the case. If someone had said two lots went off the well and they felt two lots coming on wouldn't make a difference, that would be one thing. But they didn't get any testimony about that and he doesn't have any facts.

Commissioner Williamson asked Commissioner Nevill if this were to be approved, would a condition that they need to clear up the water issue and concerns at the platting stage be something he would be agreeable to? Commissioner Nevill said he doesn't disagree with asking for that (condition) but he doesn't know whether that answers the question. What if they do a full investigation and determine that they can't put any more taps in? Commissioner Williamson said he is trying to see if there is any avenue to try to make things easier for everyone.

MOTION: Commissioner Nevill moved to recommend denial case CR2022-0032 including modified Findings of Facts, Conclusions of Law and Conditions of Approval, forwarding the recommendation to the Board of Canyon County Commissioners. Motion seconded by Chairman Sturgill. Roll call vote: 3 in favor 1 opposed, motion passed.

APPROVAL OF MINUTES:

MOTION: Commissioner Nevill moved to approve the minutes from 3/16/2023, seconded by Commissioner Villafana. Voice vote, motion carried.

DIRECTOR, PLANNER, COMMISSION COMMENTS:

Planning Official Dan Lister said they are having weekly workshops with the Board of County Commissioners on topics they want to discuss as well as trainings. They will share the calendar with the Planning and Zoning Commissioners. Some workshops will be about the current Comprehensive Plan and in addition, there will be workshops with Water agencies, Fire Districts and Transportation. He mentioned the new Planning processes and new design of staff reports. He stated they wanted to come up with a form that has the specific case findings the Commissioners can use to change, add evidence or findings when listening to testimony during the hearing. There was discussion about adding two new Planning and Zoning Commissioners and the process involved.

ADJOURNMENT:

MOTION: Commissioner Williamson moved to adjourn, seconded by Commissioner Nevill. Voice vote motion carried. Hearing adjourned at 8:42 pm.

An audio recording is on file in the Development Services Departments' office.

Approved this 4th day of May, 2023

Robert Sturgill, Chairman

ATTEST

Bonnie Puleo, Recording Secretary

March 29, 2023

TO: Canyon County D.S.D. and Commissioners

From: Rambo Sand & Gravel, Inc.

Timothy B. Rambo, President

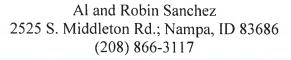
RE: CR2022-032

I own and operate the mineral extraction operation directly to the east of the proposed rezone referenced above. I am opposed to the proposed rezone on the basis of traffic generation. My trucks and heavy equipment enter on to Middleton Road directly across from the proposed rezone. Truck traffic and car traffic are not a great mix and adding more traffic at the proposed location is not helpful. My operation has no time limit and will run into the foreseeable future. When and if my operation ceases it would eliminate my concerns regarding traffic.

Thank you for your consideration,

Rambo Sand & Gravel, Inc., an Idaho corporation

By: Timothy B. Rambo, President





July 4, 2023

Board of Canyon County Commissioners 1115 Albany St. Caldwell, ID 83605

Re: Case #CR2022-0032

Virgil and Tabita Iovu, property owners at 2505 S. Middleton Rd, Nampa, have applied to the county to have their property rezoned in order to split their property (parcel R29303251). Our home is adjacent to this property and we oppose the proposed conditional rezoning request.

This is the second time this general request is being made. As you may know, Coyote Cove is a unique subdivision in that all the property lots have been intentionally established to provide more open space than most of the subdivisions established in this area. Our subdivision is relatively small in the number of properties within the subdivision, when compared to many of the new subdivisions springing up around our area. However, the majority of property owners also oppose the requested conditional rezoning.

In our opinion the proposed changes will set precedent for changing the unique characteristics of Coyote Cove and ask that you deny the conditional rezone request. This is in direct violation of the existing restrictions/covenants that were in place at the time Virgil and Tabita purchased their property. These covenants were established to protect the unique characteristics of the Coyote Cove Subdivision. These unique characteristics are specifically the reason we built our home in this sub-division.

Respectfully Submitted

Al Sanchez

Robin Sanchez

Cc: Coyote Cove Homeowners and Water-users Committee

Susan & Doug Ray

11980 Meredith Ct.

Nampa, Idaho 83686

Canyon County Commissioners

1115 Albany St.

Caldwell, Idaho 83605

July 7, 2023

Re: Case # CR2022-0032

Doug and Susan Ray are opposed to the rezoning and subsequent land split of 2505 S. Middleton Rd. Coyote Cove #2 was developed with the intent of large lots for maintaining large animals, beef, horses, llamas and goats. Property owners are quiet and tend to stay out of each other's business. The owners requesting the change in zoning are the only property owners to do so, all other owners have abided by the CC&Rs of Coyote Cove #2.

Coyote Cove is an exception to the sprawl of the City of Nampa, an oasis next to the Federal Reserve and property owners have fought to remain outside of the City of Nampa's area of impact. Doug and I fear allowing a single lot to be rezoned and split will change the feel and landscape of the subdivision and open other lots to rezone and split.

We are asking the commission to carefully consider the decision in this matter.

Sincerely

Susan Ray

Doug Ray

July 6, 2023

Canyon County Commissionner 111 N 11th Room 40 Caldwell ID 83605

RE: Rezone Application

To Whom It May Concern:

My name is Costin Pirvu, I live at 11998 Meredith Ct, Nampa ID 83686. My wife, Alisa Pirvu and I are part of the Coyote Cove Homeowner Association, my wife and I oppose the Rezoning and Plans to Split the property at 2505 Middleton Road, Nampa Idaho.

The subdivision was developed to create estate sized lots with preservation of sight lines and views. Further, subdividing of lots would jeopardize this goal. Therefore, the proposal is not compatible with surrounding land use and would negatively affect the character of the area.

Furthermore, the irrigation system does not have the capacity nor the provision for the delivery of water to the additional lot Mr. lovu is trying to create. As the president of the Coyote Water Association, the Water Association will not provide water to any additional lots.

Thank you for your consideration of the above. Please advise if further information is required.

Sincerely,

Costin Pirvu & Alisa Pirvu

Case=11 Ch2022-0032

I have included a memo, titled Case #PH2018-6, from the first time this matter came to the attention of the Canyon County Commissioners in 2018.

Jim Binns still lives in Coyote Cove #2, as does Costin Pirvu. The information within the memo is still correct and valid.

Thank you.

Susan Ray

Secretary, Coyote Cove Homeowners

Coyote Cove Home Owners Assocation.

Case # PH2018-6

To Canyon County Commission

On behalf of the property owners of this subdivision I would like point out some of the issues that have come to our attention.

- 1. All the lots have been engineered with building envelopes, Well & Septic locations
- 2. People bought these lots at a premium price because of the size
- 3. The CC&Rs say the lots cannot be split and Virgil lovu agreed with these conditions when he bought his lot.
- 4. All the people in the subdivision are against any change in the zoning (20 lots)
- 5. It will put an extra burden on the irrigation well

Jim Binns HOA President

Costin Pirvu HOA Vice President

Dan Ehnstrom HOA Secretary Treasurer

Case # CA 2022 0032

Opposition to the Rezoning of 2505 South Middleton Road

To: Attention: Canyon County Commissioners

The residents of Coyote Cove Subdivions are opposed to any rezoning and splitting of the property.

Why is this important?

A drain on the irrigation system.

Ekō will protect your privacy, and keep you updated about this and similar campaigns. You can opt out of receiving our messages at any time. Just go to our unsubscribe page. By entering your details you confirm that you are 16 or older.

Name	Email	Postcode	Phone	Opt-in *	Processing consent **
MARC Taylor	marchtayloregmail-com	83484	208-880-6449		
TalishaTaylor	marctalisha@gmail.com	83686	208.880.0366		
Manay Downay	Manning 6 Og mai	1 com 83	3686 208-5	161-7041	
Dinnis Downey	djawney 5000 gmail.com	83686	208-989-38	66	
JARED MANSFIELD	TUONU73@GMANL, COM	83686	949-282-4269		
Marjaret Santon HAN Berns	bobmorgaret 69@ smail.	com 83686	208-989-1176	, ?	
Ann Berns	bobmargaret 69@ smail.a	(07M	6 208-86	0-9034	
Hamah Ray	Wray 44@gma.t.com	83686	208-965	-6108	
Sinns	IDIANSTROYMAIT CO	on, 83686	. 208- 960	-8161	
() Henning	11110 Coyote Cov				
Howard Jenning	1110 Coyok Cole Ro 11293 breen hurs	L. 83686	208-466	-4334	>
Janetle Nelson	11293 Green nurs	SI PCU 836	84 200-3	111-0209	

^{*} Join Ekō Petitions ** Process my data

Name	Email	Postcode	Phone	Opt-in *	Processing consent **
John Smith	john@smith.com	2000	0412374839	/	
Kobri Souch al Sened	CPIRVUIO EGMAI. 1. COM PSON Chez 554 @SM OJANCIEZ 54 COMEN.	83686 aul.com 83686 Com	298-250-859 208-0690 208-6690-311	8	

^{*} Join Ekō Petitions ** Process my data



FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

In the matter of the application of:

Iovu - CR2022-0032

The Canyon County Planning and Zoning Commission considers the following:

Conditional Rezone of Parcel R29303251 from an "A"
 (Agricultural) zone to a "CR-R-1" (Conditional Rezone
 - Single-Family Residential) zone. The request includes a development agreement that limits the number of divisions of the parcel and maintains the existing building envelope.

Case No. CR2022-0032, 2505 S Middleton Rd, Nampa (R29303251), a portion of the NE¼ of Section 06, T2N, R2W, BM, Canyon County, Idaho

Summary of the Record

- 1. The record is comprised of the following:
 - A. The record includes all testimony, the staff report, exhibits, attachments, and documents in Case File CR2022-0032.

Applicable Law

- 1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §07-10-25 (Purposes of Zones), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), and Idaho Code §67-6511 (Zoning Map Amendments and Procedures).
 - a. Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509.
 - b. The presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote the public health, safety, and welfare, or to reduce any potential damage, hazard, nuisance, or other detriment to persons or property in the vicinity to make the land use more compatible with neighboring land uses. See CCZO §07-06-07(1).
 - c. All conditional rezones for land use shall commence within two (2) years of the approval of the board. If the conditional rezone has not commenced within the stated time requirement, the application for a conditional rezone shall lapse and become void. See CCZO §07-05-01
- 2. The commission has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act ("LLUPA") and can establish its own ordinances regarding land use, including subdivision permits. *See* 1.C. §67-6504, §67-6511.
- 3. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCZO §07-03-01, 07-06-05.
- 4. The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, are satisfied. CCZO §07-05-03.

5. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record. The County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The application (CR2022-0032) was presented at a public hearing before the Canyon County Planning and Zoning Commission on April 6, 2023. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Planning and Zoning Commission decides as follows:

CONDITIONAL REZONE CRITERIA – CCZO §07-06-07(6)

1. Is the proposed conditional rezone generally consistent with the comprehensive plan?

Conclusion: The proposed conditional rezone is generally consistent with the comprehensive plan.

- **Findings:** (1) The subject parcel is designated as Residential in the 2030 Canyon County Comprehensive Plan Future Land Use Map. It is not located within a city impact area.
 - (2) The request aligns with the following goals and policies of the 2030 Canyon County Comprehensive Plan:

	Chapter 1: Property Rights
G1.01.00	Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.
P1.01.01	No person should be deprived of private property without due process of law.
P1.01.03	Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures on development approvals.

The applicant is being given due process of law through the hearing process. The conditions of approval (Attachment 1) have been reviewed by the applicant and are determined to be necessary.

	Chapter 2: Population
G2.02.00	Promote housing, business, and service types needed to meet the demand of the future and existing population.
	Chapter 4: Land Use and Community Design
G4.01.00	Support livability and high quality of life as the community changes over time.
P4.01.01	Maintain a balance between residential growth and agriculture that protects the rural character.
P4.01.02	Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights.
P4.02.01	Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.
P4.03.01	Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources.

P4.03.02	Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns.
P4.03.03	Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility.
P4.06.02	Encourage development design that accommodates topography and promotes the conservation of agricultural land.
G4.07.00	Protect rural qualities that make the County distinct and conserve and enhance the elements contributing to a good quality of life.
P4.07.01 G4.08.00	Plan land uses that are compatible with the surrounding community. Maintain and enhance the aesthetic beauty of the County.
P4.08.01	Protect and enhance the rural landscape as an essential scenic feature of the County.

The conditional rezone will provide additional housing within an existing subdivision. It will not fragment agricultural land or natural resources. See Findings for Criteria No. 2, 3, and 4.

	Chapter 6: Schools
P6.01.01	Consider the cumulative impact residential development will have on the capacity of schools.

No comment was received from Nampa School District. See Findings for Criteria No. 8.

	Chapter 8: Transportation
P8.01.02	Consider the cumulative impact of rezones and subdivisions on road capacity and traffic congestion when making land-use decisions.

See Findings for Criteria No. 6 and 7.

Chapter 11: Housing		
G11.02.0 0	Maintain the rural character of Canyon County while providing sufficient housing without fragmenting agricultural land and natural resources.	

The conditional rezone will provide additional housing within an existing subdivision. It will not fragment agricultural land or natural resources. See Findings for Criteria No. 4.

- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with attachments found in Case No. CR2022-0032.
- 2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?

Conclusion: The proposed zone is not more appropriate than the current zoning designation.

Findings: (1) The Planning and Zoning Commission concurs with the findings made by the Board of County Commissioners for case PH2018-6. The surrounding land uses have not changed significantly, so the findings are still relevant. The finding for Conclusion B of PH2018-6 states, "The proposed zone change is not more appropriate than the current zone designation of "A"

(Agricultural). The subdivision was approved via a conditional use permit and was intended to have larger lots at the time of development." This finding was read into the record as public testimony during the hearing by Daniel Bower, an attorney for the Coyote Cove Homeowners' Association.

(2) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with attachments found in Case No. CR2022-0032.

3. Is the proposed conditional rezone compatible with surrounding land uses?

Conclusion: As conditioned, the request is compatible with the surrounding land uses.

- **Finding:** (1) Based on site visit photos (Attachment 5), the parcel is currently used primarily for residential purposes and does not contain any active farmland. The parcels immediately adjacent to the subject parcel are also used primarily for residential purposes except for the parcels to the east which are used for mineral extraction and farmland.
 - (2) The parcel is in Coyote Cove Subdivision #2, which has lot sizes ranging from around 1-4 acres Attachment 8). If this rezone and subdivision is approved, the average lot size of the two lots would be 1.46 acres. All lots within Coyote Cove Subdivision #2 are currently larger than this average except Lot 1 Block 1 (parcel R29303250, which is 0.89 acre. Nampa City subdivisions to the north and northeast have lot sizes under a quarter acre (Attachment 6e). There are 73 subdivisions within one mile of the subject property with an average lot size of 0.36 acres. Within 600 ft, the average lot size is 5.07 acres and the median is 1.99 acres. (Attachment 6e)
 - (3) Condition 3 requires a subdivision application to be submitted to split the parcel into two lots in compliance with the concept plan. Condition 3a requires that the plat maintain the existing building envelope. This would add one additional dwelling. The parcel is currently allowed to add a secondary residence. There are no proposed conditions for this case that would prohibit secondary dwellings after the subdivision is completed, but the existing building envelope will constrain the ability to fit two dwellings on either lot.
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits and attachments found in Case No. CR2022-0032.
- 4. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: The proposed conditional rezone will negatively affect the character of the area.

- Finding: (1) The area is a mix of rural, agricultural, and residential. The parcel is in Coyote Cove Subdivision, which has lot sizes of approximately 1-4 acres. Nampa City subdivisions to the north and northeast have lot sizes under a quarter acre. Lake Lowell is approximately 1,700 ft south of the subject property. A gravel pit is located directly to the east. There are 73 subdivisions within 1 mile of the subject property with an average lot size of 0.36 acres. Within 600 ft, the average lot size is 5.07 acres and the median is 1.99 acres. (Attachment 6e)
 - (2) All county parcels within one mile are zoned "A" (Agricultural) (Attachment 6c).
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Newspaper notice was published on February 24, 2023. Property owners within 600' were notified by mail on February 24, 2023. The property was posted on March 3, 2023. One written comment was accepted into record during the hearing (Attachment 10). The letter is from Timothy Rambo, president of Rambo Sand & Gravel, who is opposed to the request due to the possibility of traffic interfering with the gravel operation.

- (4) Several neighbors testified during the hearing that the request would negatively affect the character of the area due to creating smaller lot sizes than originally intended when the subdivision was created.
- (5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits and attachments found in Case No. CR2022-0032.
- 5. Will adequate facilities and services including sewer, water, drainage, irrigation, and utilities be provided to accommodate proposed conditional rezone?

Conclusion: Adequate irrigation may not be provided to accommodate the request at the time of development.

- **Finding:** (1) Future development will require a domestic well and septic systems. Future development will be required to meet Idaho Department of Water Resources and Southwest District Health requirements regarding the placement of a well and septic system. Drainage and irrigation will be addressed at the time of subdivision.
 - (2) Verbal testimony from property owners in Coyote Cove Subdivision No. 2 indicated that properties in the subdivision and some outside are irrigated via a community irrigation well. It is unclear who has control over the water rights and whether the proposed second parcel would be able to use water rights for irrigation. If not, they would only be allowed to irrigate 0.5 acre from the domestic well. This would leave at least 0.5 acre unirrigated, which could become a public nuisance.
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and full political noticing were sent on February 10, 2023.
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits and attachments found in Case No. CR2022-0032.
- 6. Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?

Conclusion: The request does not require public street improvements. No measures are necessary to mitigate traffic impacts.

- Finding: (1) Condition 3 requires a subdivision application to be submitted to split the parcel into two lots in compliance with the concept plan. Condition 3a requires that the plat maintain the existing building envelope. This would add one additional dwelling, which would generate approximately 9.52 trips per day according to CCZO 07-10-03 Note 3. The parcel is currently allowed to add a secondary residence which would add the same number of trips per day. There are no proposed conditions for this case that would prohibit secondary dwellings after the subdivision is completed, but the existing building envelope will constrain the ability to fit two dwellings on either lot.
 - (2) No agencies stated they had concerns regarding traffic impacts. The request is not anticipated to cause undue interference with existing or future traffic patterns.
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and full political noticing were sent on February 10, 2023.
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits and attachments found in Case No. CR2022-0032.
- 7. Does legal access to the subject property for the conditional rezone exist or will it exist at time of development?

Conclusion: The property will have legal access at the time of development.

- **Finding:** (1) According to the concept plan (Attachment 2), the property will have 60 ft of frontage along S Middleton Rd, a public road. Nampa Highway District provided a copy of their approved land split application indicating that they would require an approach permit (Attachment 7a). The new approach will be required to meet highway district standards.
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and full political noticing were sent on February 10, 2023.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits and attachments found in Case No. CR2022-0032.
- 8. Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire, and emergency medical services? What measures will be implemented to mitigate impacts?

Conclusion: Essential services will be provided to accommodate the use. No mitigation is proposed at this time.

- **Finding:** (1) The property will be served by Nampa School District, Nampa Fire Department, and Canyon County Emergency Services. All essential services were notified. Nampa Fire District stated that they will provide the property with emergency services, the development will not have a negative impact on the department, and that they do not oppose the application (Attachment 7f).
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and full political noticing were sent on February 10, 2023.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits and attachments found in Case No. CR2022-0032.

Order

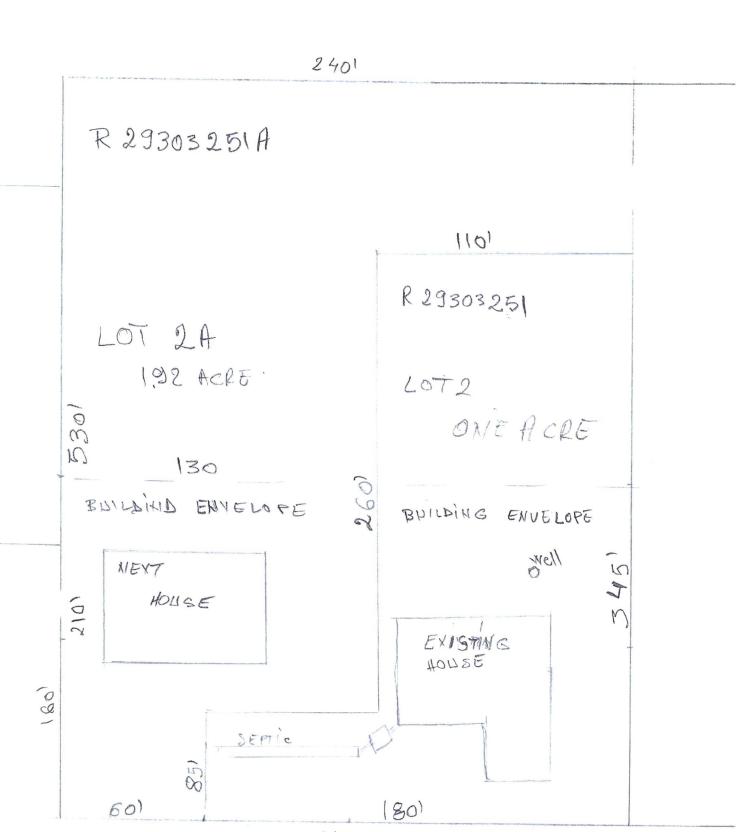
Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission recommends **denial** of Case # CR2022-0032, a conditional rezone of Parcel R29303251 from an "A" (Agricultural) zone to a "CR-R-1" (Conditional Rezone - Single-Family Residential) zone.

DATED this day of	, 2023.
	LANNING AND ZONING COMMISSION CANYON COUNTY, IDAHO Mobert Sturgill, Chairman
State of Idaho)	
SS	
County of Canyon County)	
Dolon I Olivia II	eBonne Puleo, a notary public, personally appeared ne to be the person whose name is subscribed to the within instrument,
and acknowledged to me that he (she) executed the same. Notary	Bonnie Suleo
My Co	mmission Expires:

ATTACHMENT 1

DRAFT CONDITIONS OF APPROVAL

- 1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
- 2. The developer shall comply with CCZO §07-06-07 (4): Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."
- 3. The subject parcel R27939, 2.76 acres, shall be divided in compliance with Chapter 7, Article 17 (Subdivisions) of the Canyon County Zoning Ordinance in substantial compliance with the concept plan (Attachment 2) subject to the following restrictions:
 - a. The existing building envelope shall be maintained. Any residential or accessory structures shall be within the building envelope.
- 4. The Right to Farm Act Statement shall be disclosed on deeds to all future parcel owners.



2505 S MIDDLETON RD

MASTER APPLICATION

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



	OWNER NAME: VIRGIL 10VU
PROPERTY	MAILING ADDRESS: 2505 S. MIDDLETON RD. NAMPA, ID 83686
OWNER	PHONE: (208) 467-3738 EMAIL: VIOVU @ YGhoo. com
I consent to this	application and allow DSD staff / Commissioners to enter the property for site inspections. If owner(s) are a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.
Signature:	Date: 11-02-2022
(AGENT)	CONTACT NAME: CLAUDIA FRENT
ARCHITECT	COMPANY NAME:
ENGINEER BUILDER	MAILING ADDRESS: 12359 RIVENDELL COURT, NAMPARA, is 83686
	PHONE (916) 541-7694 EMAIL: frentel @ yahoo.com
	STREET ADDRESS: 2505 S. MIDDLETON RD. NAMPA, ID 83686
	PARCEL #: R 293032510 LOT SIZE/AREA: 2,92 acres
SITE INFO	LOT: 2 BLOCK: 1 SUBDIVISION: COYOTE COVE NO 2
	QUARTER: NE SECTION: 6 TOWNSHIP: 2 N RANGE: 2 W
	ZONING DISTRICT: FLOODZONE (YES/NO):
HEARING	CONDITIONAL USECOMP PLAN AMENDMENTCONDITIONAL REZONE
LEVEL	ZONING AMENDMENT (REZONE)DEV. AGREEMENT MODIFICATIONVARIANCE > 33%
APPS	MINOR REPLATVACATIONAPPEAL
	SHORT PLAT SUBDIVISION PRELIMINARY PLAT SUBDIVISIONFINAL PLAT SUBDIVISION
DIRECTORS	ADMINISTRATIVE LAND DIVISIONEASEMENT REDUCTIONSIGN PERMIT
DECISION	PROPERTY BOUNDARY ADJUSTMENTHOME BUSINESSVARIANCE 33% >
APPS	PRIVATE ROAD NAMETEMPORARY USEDAY CARE
	OTHER
CASE NUMBE	R: CR 2022-0032 DATE RECEIVED: 11/22/22
RECEIVED BY	ER: CR 2022-0032 DATE RECEIVED: 11/22/22 Maddy Under Usen APPLICATION FEE: \$1400 (CK) MO CC CASH

Revised 1/3/21

November 22, 20CL

Caryon County Development Services 111 N. 11th Ave. Suite #310 Caldwell, ID 83605

Parcel # 1293632510

Dery resser

I am submitting an application for a Conditional Regone permet. I am un complicance with all legal binding documents, CCR's and Land agreements that are in affect. Thy intent .W to follow the rules set before in with these electionents. . my acquish as commisted with the Comprehensive plan. my referret factor unto lem with the trunchities of the hand sunswicking errure. It is a recighborhood. I'my alloce in to bearie another frome. Hes, my request is computable with Servending kind uses. Wif request well not regatively affect the Character of the area. I will follow the building of this new home in compliance with the Land use curticist (existing). I well follow the rules set exp by the CCR'S (existing). all sewer meater and Chamage, etc will be previoled to accomodate the uguest yes, ligal access to subject Property exists. No, steet improvements or

traffic: Potterns will be affected by this conditional rezone. No, request will not impact public services, and facilities in a regative way. Please feel free to contact me with any relational questions.

Respectfully Trans

Vingil and Tabita Iove

LAND USE WORKSHEET

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



Required for Conditional Use Permit, Comprehensive Plan and Zoning Ordinance Amendment Applications	
PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:	
GENERAL INFORMATION	
1. DOMESTIC WATER: ☐ Individual Domestic Well ☐ Centralized Public Water System ☐ N/A — Explain why this is not applicable: ☐ How many Individual Domestic Wells are proposed? ☐ OY €	City
2. SEWER (Wastewater)	
3. IRRIGATION WATER PROVIDED VIA: Surface Irrigation Well None	
4. IF IRRIGATED, PROPOSED IRRIGATION: Pressurized Gravity	
5. ACCESS: Frontage Easement Easement widthInst. #	
6. INTERNAL ROADS: □ Public □ Private Road User's Maintenance Agreement Inst #	
7. FENCING	
8. STORMWATER: Retained on site Swales Ponds Borrow Other:	
9. SOURCES OF SURFACE WATER ON OR NEARBY PROPERTY: (i.e. creeks, ditches, canals, lake)

	RESIDENTIAL USES
1.	NUMBER OF LOTS REQUESTED:
	Residential Commercial Industrial
	□ Common □ Non-Buildable
2.	FIRE SUPPRESSION:
	Water supply source: well
3.	INCLUDED IN YOUR PROPOSED PLAN?
	☐ Sidewalks ☐ Curbs ☐ Gutters ☐ Street Lights 🖹 None
	N
	NON-RESIDENTIAL USES
1.	SPECIFIC USE:
2.	
2.	DAYS AND HOURS OF OPERATION:
	□ Monday to
	□ Tuesday to
	□ Wednesday to
	☐ Thursday to
	□ Friday to
	□ Saturday to
	□ Sunday to
3.	WILL YOU HAVE EMPLOYEECS. C. Vos. 16 ss. hours and C. No.
4.	WILL YOU HAVE A SIGN?
	Height: ft Width: ft. Height above ground: ft
	What type of sign:Wall Freestanding Other
	5. PARKING AND LOADING: How many parking spaces?
	Is there is a loading or unloading area?

	ANIMAL CARE RELATED USES
1.	MAXIMUM NUMBER OF ANIMALS:
2.	HOW WILL ANIMALS BE HOUSED AT THE LOCATION?
	☐ Building ☐ Kennel ☐ Individual Housing ☐ Other
3.	HOW DO YOU PROPOSE TO MITIGATE NOISE?
	☐ Building ☐ Enclosure ☐ Barrier/Berm ☐ Bark Collars
4.	ANIMAL WASTE DISPOSAL
	☐ Individual Domestic Septic System ☐ Animal Waste Only Septic System
	□ Other:

November 3, 2022

Dear Neighbor,

We are in the process of submitting an application for a Conditional Rezone Permit to Canyon County Development Services. One of the requirements necessary prior to submitting the application is to hold a "neighborhood meeting" to notify them of our intentions.

This meeting is for informational purposes. This is not a public hearing. Once our application has been submitted and processed, a public hearing date will be scheduled. Prior to the scheduled date you will receive and official notification from Canyon County regarding the Public Hearing via postal mail, newspaper publication, and or a display on the property for which the Conditional Rezone Permit is applied.

The meeting information is as follows.

Date: Monday, November 21,2022

Time: 5:00 pm

Location: 2505 South Middleton Road, Nampa ID 83686

We look forward to the neighborhood meeting and encourage you to attend. At that time, we will answer any questions you may have.

Please do not call Canyon County Development Services regarding this meeting. This is a PRE-APPLICATION requirement and we have NOT submitted the application for consideration at this time. The County currently has not information on this project. If you have any questions prior to the meeting, please contact me at 916 541-7694.

Sincerely

Claudia Frent on behalf of

Virgil and Tabita Iovu

Parcel Numb	Parcel Numbe Owner Name	Address	City	State	ZipCode
↓ R29303		11215 GREENHURST RD	NAMPA	₽	83686
-2 R29315010B		11153 COYOTE CV	NAMPA	Q	83686-8040
3 R29303268	STRACK SAMANTHA JO ESTATE	PO BOX 64142	SAINT PAUL	Σ	55164
4 R29303259	HALE TODD W	11825 MEREDITH CT	NAMPA	Q	83686
S R29303257	TAYLOR JOHN AND MARGARET FAM TRUST	11870 MEREDITH CT	NAMPA	Q	83686
	MILLS CO REALTY INC	PO BOX 206	MIDDLETON	□	83644
7 R29303255	RAMBO TIMOTHY B	11199 GREENHURST RD	NAMPA	Ω	83686
8 R29309	TOWERY TIMOTHY J	11086 COYOTE CV	NAMPA	Q	83686-8039
9 + R29303251	IOVU VIRGIL	2505 S MIDDLETON RD	NAMPA	₽	83686
/O R29303269	HENNING HOWARD M	11110 COYOTE CV	NAMPA	₽	83686-8039
// R29301119	THIBAULT TANNER JAMES	2533 HERON RIDGE CT	NAMPA	₽	83686
(2 R29303256	ELLISTON JOSEPH J	11900 MEREDITH CT	NAMPA	₽	83686
(3 R29303271	TAYLOR MARC B AND TALISHA J REVOCABLE LIVING TRUST	11820 MEREDITH CT	NAMPA	₽	83686
, φ R29303252	BURRIS SCOTT L	2411 S MIDDLETON RD	NAMPA	₽	83686
,5 R29301120	LOPEZ MARIO	2515 W HERRON RIDGE CT	NAMPA	₽	83651
/6 R29312	HALL WILLIAM H JR	11093 GREENHURST RD	NAMPA	₽	83686
17 R29301117	PHILLIPS EARNIE ROBERT	2569 W HERRON RIDGE CT	NAMPA	₽	83686
/8 R29303254	HUTTON CHARLEY B	9068 BOOKER LN	NAMPA	₽	83686
/9 R29301123	SMITH TERESA ELIZABETH	2461 W HERRON RIDGE CT	NAMPA		83686
20 R29311	MARSHALL FAMILY TRUST	11101 GREENHURST RD	NAMPA	Ω	83686
2 / R29303260	SMITH GARY AND SUSAN JOINT REVOCABLE LIVING TRUST	11887 MEREDITH CT	NAMPA	₽	83686
22 R29303258	BOURKLAND NATASHA	11777 MEREDITH CT	NAMPA	₽	83686
25 R29310	TOLLEY BRIAN WILLIAM	2325 S MIDDLETON RD	NAMPA	□	83686
('24 R29301100	HERON RIDGE HOMEOWNERS ASSOCIATION INC	203 11TH AVE S	NAMPA	Ω	83651
25 R29301100	HERON RIDGE HOMEOWNERS ASSOCIATION INC	203 11TH AVE S	NAMPA	Q	83651
26 R29301118	PIONEER HOMES INC	719 1ST ST S STE B	NAMPA	Ω	83651
27 R29303270	LANTO STEPHEN J	11152 COYOTE CV	NAMPA	₽	83686-8039
28 R29302	RAMBO BRYON CRUSHING CO	2700 S MIDDLETON RD	NAMPA	₽	83686-8134
29 R29303253	PRATT RICHARD AARON	2341 S MIDDLETON RD	NAMPA	₽	83686
3 0 R29303250	SANCHEZ ALBERT A	2525 S MIDDLETON RD	NAMPA	♀	83686
R29315011	TROYER MARILLYN A REVOCABLE LIVING TRUST	11153 COYOTE CV	NAMPA	□	83686-8040
3 2 R29299	TROYER SCOTT A	11001 COYOTE CV	NAMPA	₽	83686-8040
33 R29297	RAMBO SAND GRAVEL INC	2700 S MIDDLETON RD	NAMPA	₽	83687

NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



NEIGHBORHOOD MEETING SIGN UP SHEET CANYON COUNTY ZONING ORDINANCE §07-01-15

SITE INFORMATION

Applicants shall conduct a neighborhood meeting for any proposed comprehensive plan amendment, zoning map amendment (rezone), subdivision, variance, conditional use, zoning ordinance map amendment, or other requests requiring a public hearing.

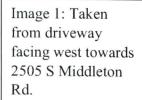
Site Address: 7 E G C	
Site Address: 2505 middleton Rd	Parcel Number: R 293037510
	State: ID ZIP Code: 83686
Notices Mailed Date: Nov. 3, 2027	Number of Acres: 2,97 Current Zoning:
Conditional Regard	
APPLICANT / REPRESE	ENTATIVE INFORMATION
Contact Name:	
Company Name: N	
Current address: 12359 Rivendell	CT
City: Nampa	State: ID ZIP Code: 83686
Phone:	Cell: 916 541-7694 Fax:
Email: frentcl@yahoo.com	211/01/
J	
MEETING II	NFORMATION
DATE OF MEETING: NOV. 71, 7072 MEETING LO	CATION: 2505 S. Middleton Rd.
	ID TIME:) TOO PM
ATTENDEES:	
NAME (PLEASE PRINT) SIGNATURE:	ADDRESS
1. MARC PRYLON	ADDRESS:
2. JAKED MANSFIRLD	11820 Mered. th cot
	11951 MEREDITACT
3 Charley Autron	9068 Booker Lane
4. les het a	Same,
5. Page / Manlack	11/0/ 6 vor pust Rt.
6. Oska Likyu	
7. SATAN FRINKS	11998 Meredith Ct
6	11 The of Heredital
8. July all	1.480/ Heredish Of
9. Janelle JNelsin	11293 Greenhurs

10. BILL Hall 11093 Erson hurst fand
11.
12.
13.
14.
15.
16.
17.
18.
19.
20.
NEIGHBORHOOD MEETING CERTIFICATION:
•
I certify that a neighborhood meeting was conducted at the time and location noted on this form and in
accordance with Canyon County Zoning Ordinance § 07-01-15.
APPLICANT/REPRESENTATIVE (Please print):
Claudia Frent
COMMENT BY PART

APPLICANT/REPRESENTATIVE (Signature): Claudia Frent

DATE: #1 71 2022

Site Photos: Taken March 21, 2023





from driveway



Image 3: Taken from driveway facing south on to S Middleton Rd.



Page 1 of 3

Attachment 5

Image 4: Taken from driveway facing southeast towards the neighboring gravel pit.



Image 5: Taken from driveway facing east towards the neighboring gravel pit.



Image 6: Taken from driveway facing northeast.



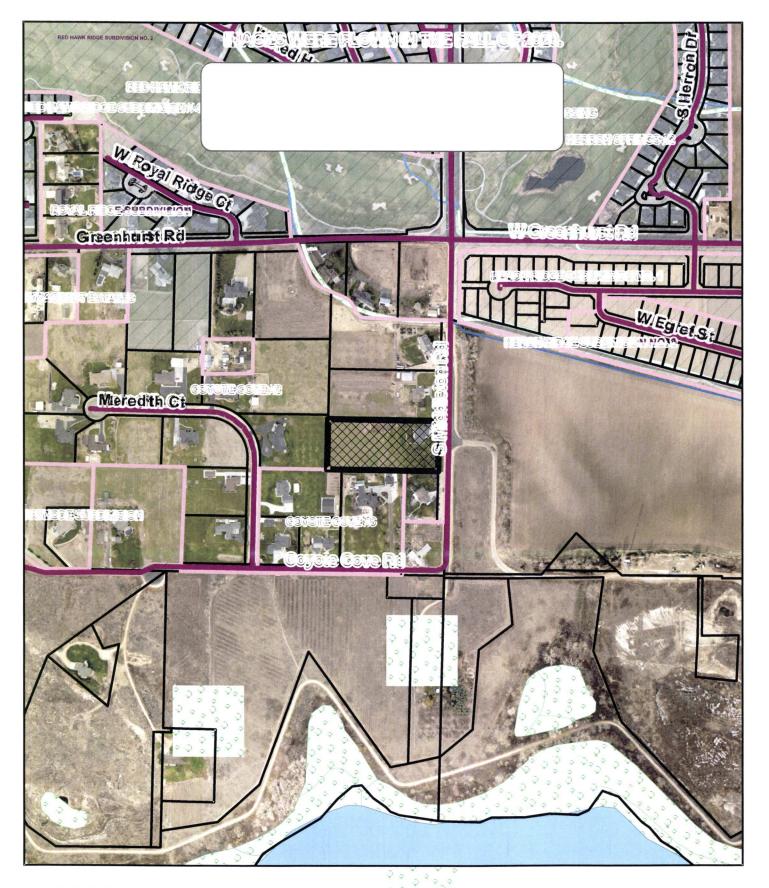


Image 8: Taken from S Middleton Rd facing west into the subject property.



Image 9: Taken from S Middleton Rd facing southwest into the subject property.

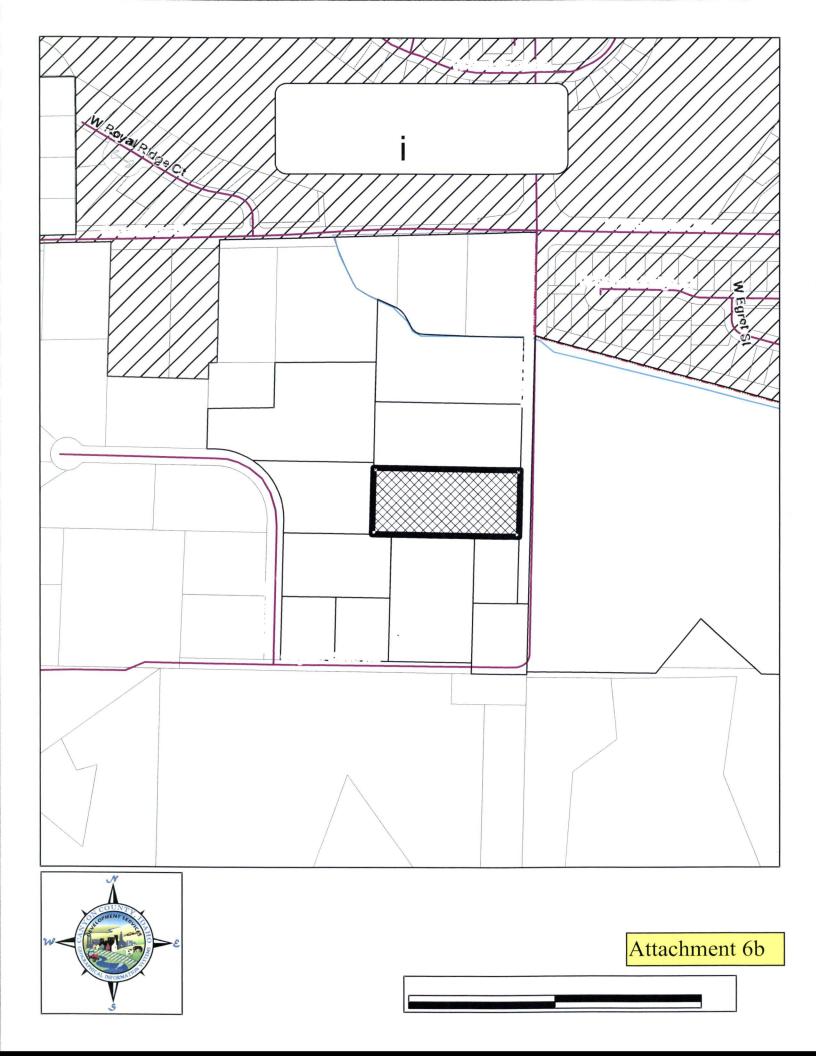


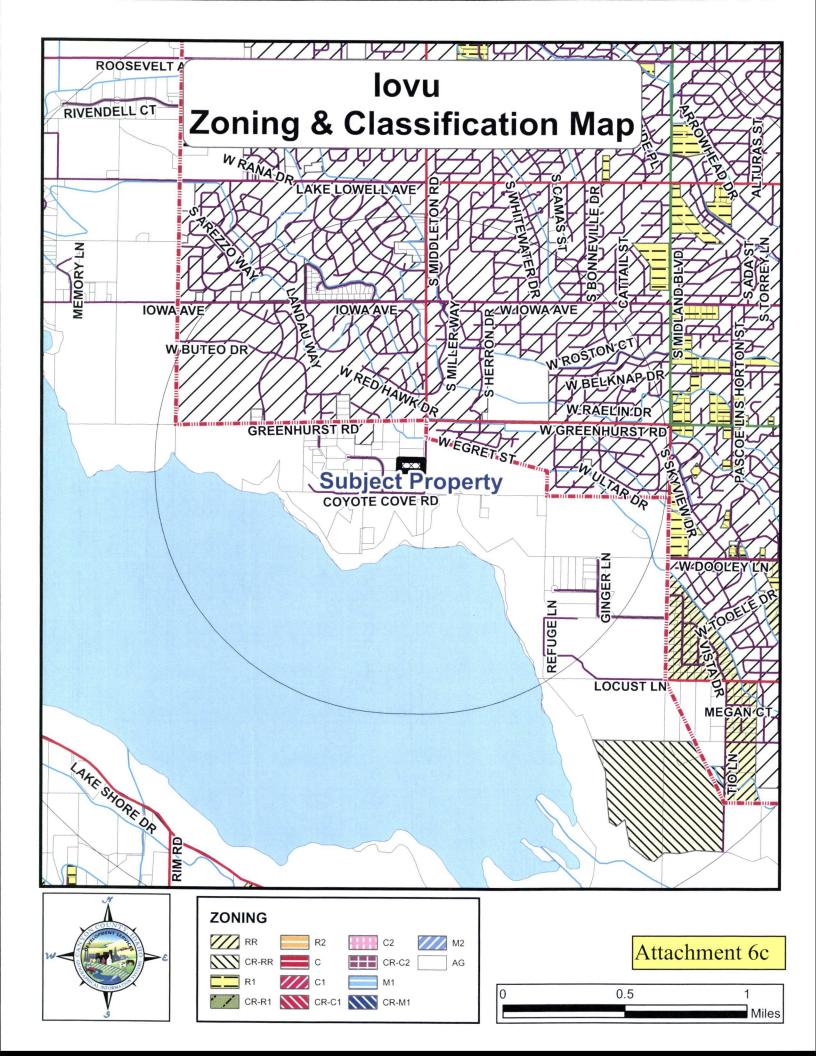


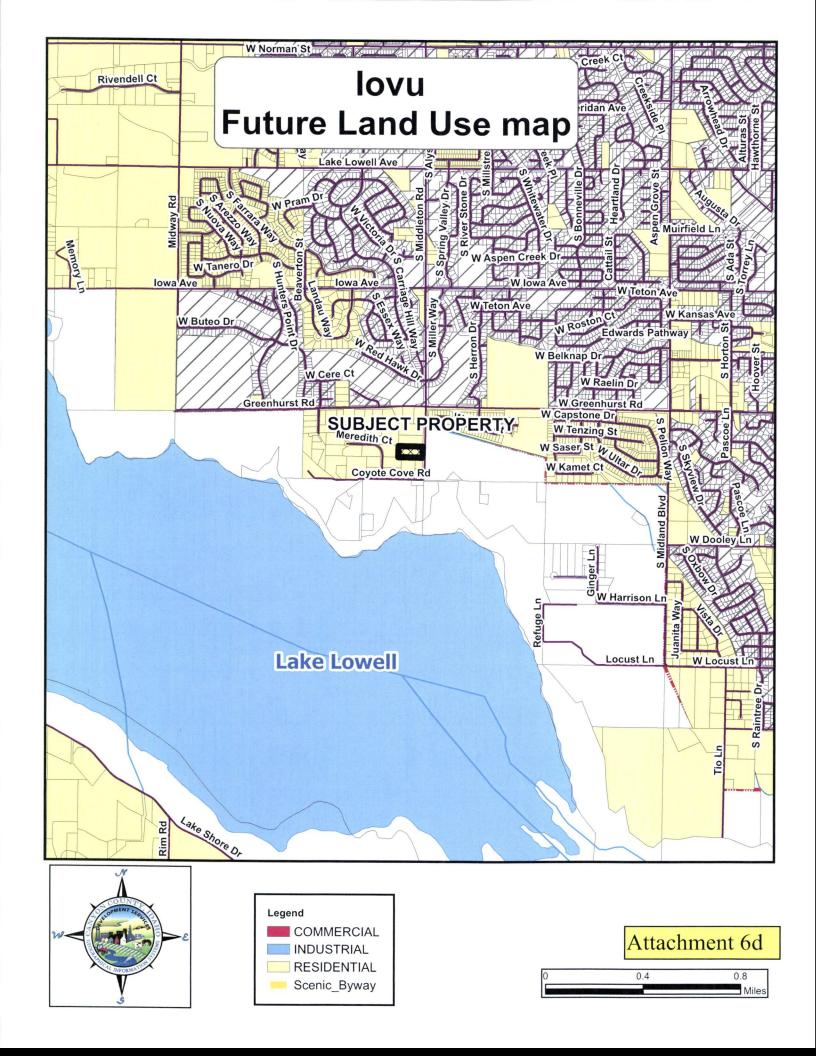


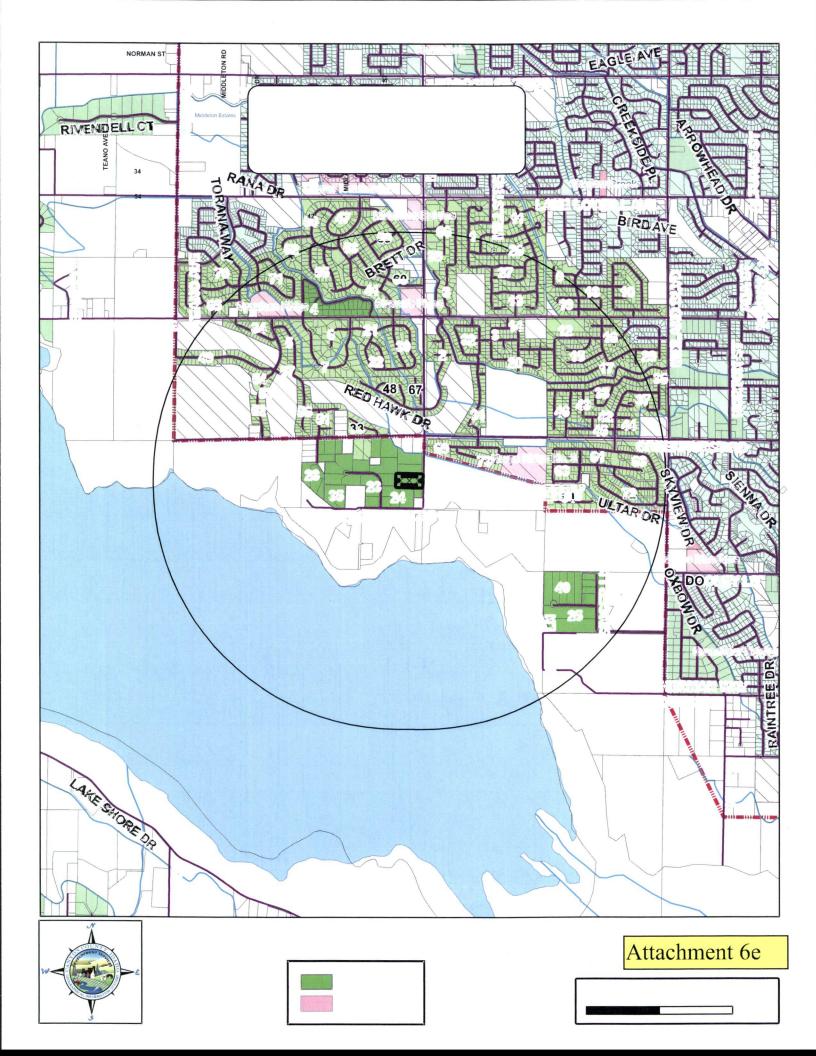
3 0	

Attachment 6a







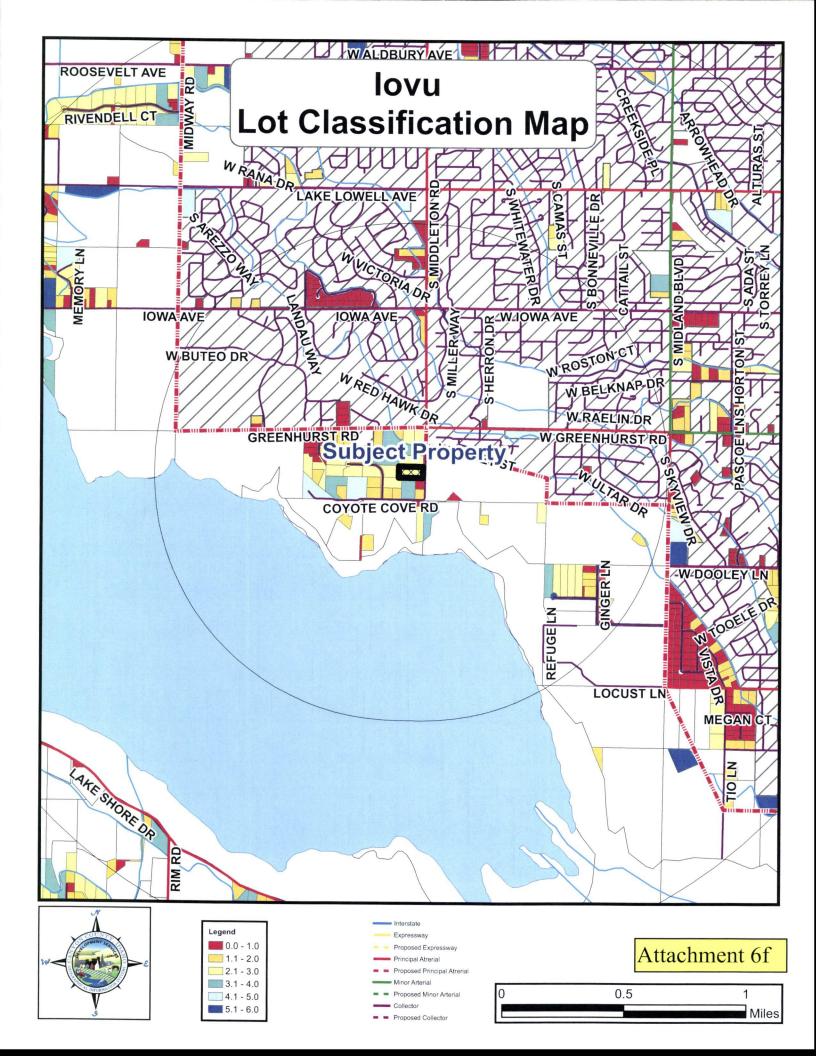


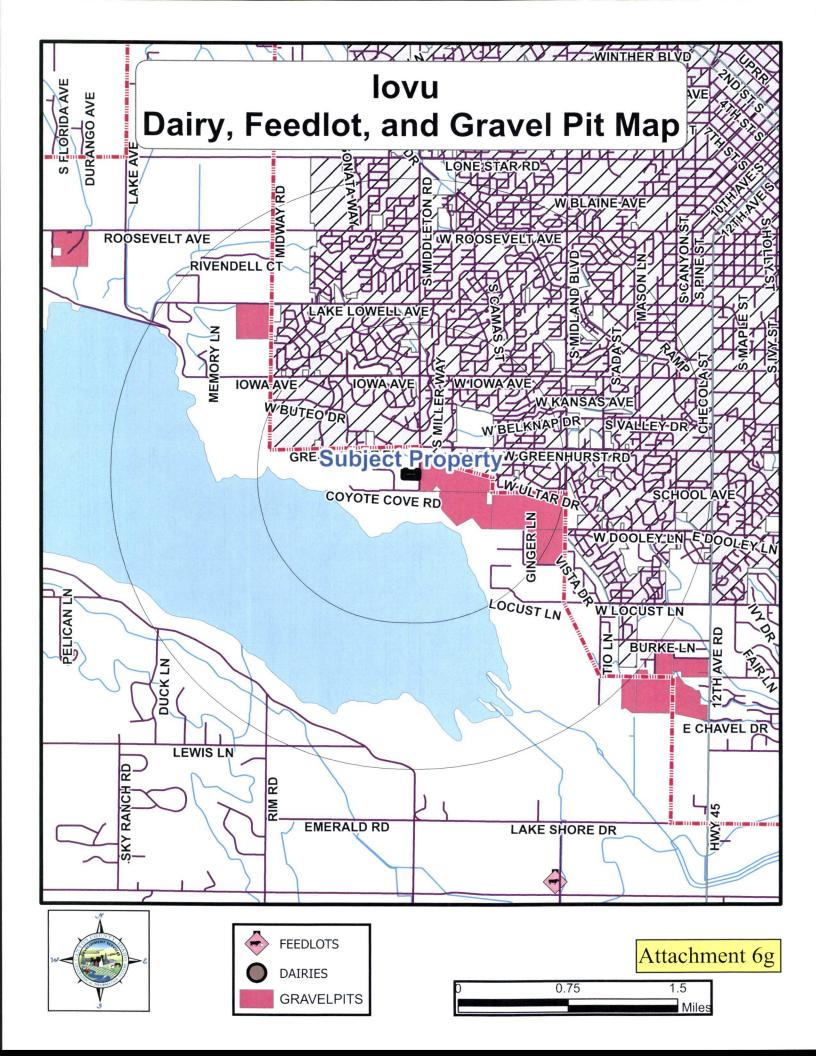
SUBDIVISION & LOT REPORT	NUMBER OF LOTS AVERAGE LOT SIZE	0.36	S AVERAGE LOT SIZE	0.22	MAXMETA	0.07 52.57	ACRES IN MHP NUMBER OF SITES AVG HOMES PER ACRE MAXIMUM	
SUBDIV	NUMBER OF LO	2808	NUMBER OF LO	130	MEDIAM	1.99	NUMBER OF SIT	
	ACRES IN SUB	1012.25	ACRES IN SUB	28.86		5.07	ACRES IN MHP	
	NUMBER OF SUBS	73	NUMBER OF SUBS IN PLATTING	8	NUMBER OF LOTS NOTFIED	33	NUMBER OF MOBILE HOME PARKS	

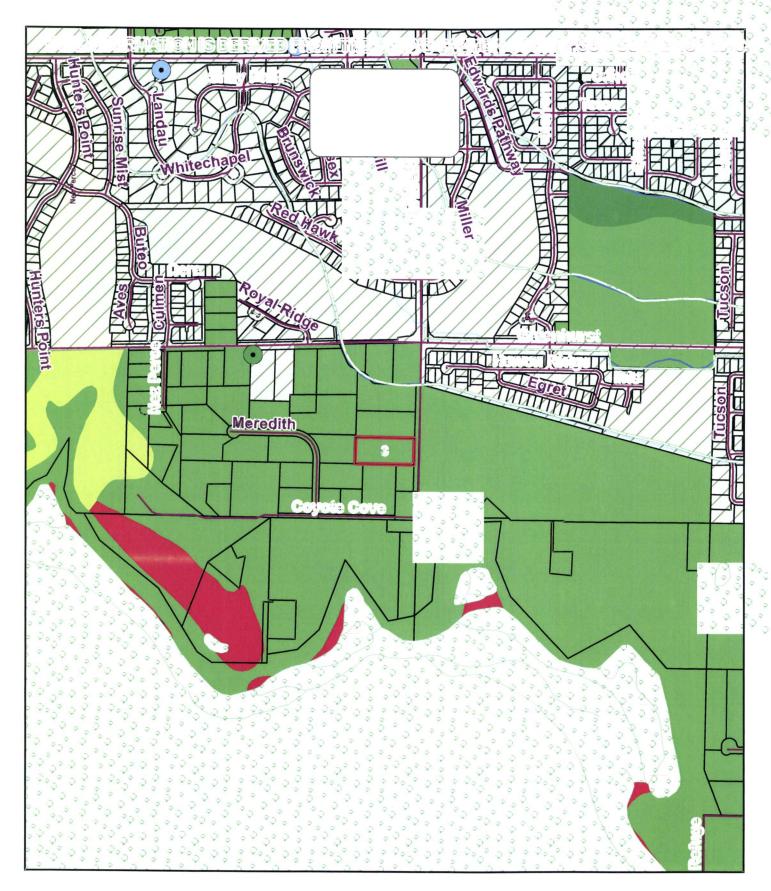
SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF	Year
•							
FALL RIVER ESTATES #5	-	3N2W32	19.84	54	0.37	NAMPA (CITY)	200
MILLER CROSSING	2	3N2W32	14.12	53	0.27	NAMPA (CITY)	200
OWYHEE ESTATES #2	9	3N2W32	8.18	32	0.26	NAMPA (CITY)	200
SLINBISE CROSSING	4 u	3N2W31	10.24	34	0.30	NAMBA (Caryon)	181
CARRIAGE HILL #1	9	3N2W31	24.16	42	0.58	NAMPA (CITY)	1999
CARRIAGE HILL #2	7	3N2W31	15.58	25	0.62	NAMPA (CITY)	200
SPRING VALLEY SUB	8	3N2W32	10.27	25	0.41	NAMPA (CITY)	200
VICTORY SUB #5	6	3N2W32	9.62	31	0.31	NAMPA (CITY)	199
WILLOW CREEK SUB-NA	10	3N2W32	27.26	107	0.25	NAMPA (CITY)	199
FALL RIVER ESTATES #4	11	3N2W32	27.43	88	0.31	NAMPA (CITY)	200
MIDLAND PARK #4	12	3N2W32	14.13	31	0.46	NAMPA (CITY)	200
FALL RIVER ESTATES	13	3N2W32	19.07	59	0.32	NAMPA (CITY)	200
OWYHEE ESTATES #1	14	3N2W32	10.28	39	0.26	NAMPA (CITY)	200
MIDLAND PARK #5	15	3N2W32	13.43	55	0.24	NAMPA (CITY)	200
MIDLAND PARK #3	16	3N2W32	13.41	46	0.29	NAMPA (CITY)	200
MIDLAND PARK #6	17	3N2W32	12.40	44	0.28	NAMPA (CITY)	200
VICTORY SUB #4	18	3N2W32	8.45	35	0.24	NAMPA (CITY)	199
VICTORY SUB #6	19	3N2W32	11.22	42	0.27	NAMPA (CITY)	199
OWYHEE ESTATES #3	20	3N2W32	13.03	51	0.26	NAMPA (CITY)	200
CARRIAGE HILL #3A	21	3N2W31	10.05	26	0.39	NAMPA (CITY)	200
CARRIAGE HILL #3B	22	3N2W31	10.19	28	0.36	NAMPA (CITY)	200
COYOTE COVE #2	23	2N2W06	45.80	188	2.54	COUNTY (Canyon)	200
COYOLE COVE #3	24	2N2W06	7.92	4	1.98	COUNTY (Canyon)	200
FASI LAKE ESIATES	25	2N2W05	27.76	Φ (1.54	COUNTY (Canyon)	198
TALL RIVER EVIALED #3	70	3NZW3Z	17.28	90	0.35	NAMPA (CITY)	200
FALL RIVER ESTATES #2	27	3N2W32	12.81	43	0.30	NAMPA (CITY)	200
LYNACKESI ESIAIES	28	2N2W06	11.72	11	1.07	COUNTY (Canyon)	197
MIDLAIND PARA #2	67	3NZW3Z	10.97	40	0.27	NAMPA (CITY)	199
CARRIAGE FILL #4	30	SINZWST	17.78	53	0.34	NAMPA (CITY)	200
HERRON SPRINGS #2	37	2NZV203	12.30	9	0.28	NAMPA (CITY)	200
POYAL RIDGE STIBUINISION	33	SNZVSZ	7 02	18	0.29	NAMBA (CITY)	2000
NORTH SLOPE AT HUNTERS POINT SUB	34	3N2W31	10.03	37	0.37	NAMPA (CITY)	2002
PATNODE SUBDIVISION	35	SOW2N2	4 86	6	2.43	COLINTY (Canyon)	200
SANDS POINTE #1	36	3N2W32	9.42	32	0.29	NAMPA (CITY)	200
SANDS POINTE #2	37	3N2W32	15.72	59	0.27	NAMPA (CITY)	200
SANDS POINTE #3	38	3N2W32	96.68	37	0.27	NAMPA (CITY)	200
FALL RIVER SOUTH SUBDIVISION	39	3N2W32	4.64	7	99:0	NAMPA (CITY)	202
LAKESIDE SUB	40	2N2W05	13.48	5	2.70	COUNTY (Canyon)	200
CARRIAGE HILL NORTH SUB NO 1	41	3N2W31	17.90	39	0.46	NAMPA (CITY)	201
SANDS POINTE SUBDIVISION #4	42	3N2W32	2.10	10	0.21	NAMPA	201
SANDS POINTE SUBDIVISION # /	443	3NZW3Z	6.38	26	0.25	NAMPA	201
SANDS POINTE SUBDIVISION # 3	44	SINZWSZ	4.08	21	0.24	NAMPA	700
SANDS POINTE SUBDIVISION # 8	46	3N2W32	19.64	74	0.27	NAMPA	201
CARRIAGE HILL NORTH SUB NO 3	47	3N2W31	16.46	35	0.47	NAMPA (CITY)	201
RED HAWK RIDGE SUBDIVISION NO. 2	48	3N2W31	18 18	51	0.36	NAMPA (CITY)	201
RED HAWK RIDGE SUBDIVISION #3	49	3N2W31	14.21	51	0.28	NAMPA (CITY)	201
CARRIAGE HILL NORTH SUBDIVISION NO. 5	20	3N2W31	12.81	26	0.49	NAMPA (CITY)	201
RED HAWK RIDGE SUBDIVISION # 4	51	3N2W31	8.92	39	0.23	NAMPA (CITY)	201
RED HAWK RIDGE SUBDIVISION # 1B	52	3N2W31	6.45	24	0.27	NAMPA (CITY)	201
						(110)	1

	SUBDIVIS	SUBDIVISIONS IN PLATTING	-ATTING	
SUBDIVISION NAME	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	
Spyqlass Ridge	8.84	56	0.16	
Steven's Place	6.24	23	0.27	
Heron Ridge No. 3	13.78	51	0.27	

CITY OF	UNITS PER ACRE	NO. OF SPACES	ACRES	SITE ADDRESS	SUBDIVISION NAME
		V PARKS	OME & R	MOBILEH	













Attachment 6h



Planning & Zoning Commission

Canyon County Development Services Dept.

Conditional Rezone: CR2022-0032

HEARING DATE: April 6, 2023

OWNER: Virgil Iovu

APPLICANT/REP: Claudia Frent

PLANNER: Madelyn Vander Veen,

Planner I

CASE NUMBER: CR2022-0032

R29303251

LOCATION: 2505 S Middleton Rd,

Nampa



PROJECT DESCRIPTION:

- Claudia Frent, representing Virgil Iovu, is requesting a conditional rezone of Parcel R29303251 from an "A" (Agricultural) zone to a "CR-R-1" (Conditional Rezone - Single-Family Residential) zone. The request includes a development agreement that limits the number of divisions of the parcel and maintains the existing building envelope.

PARCEL INFORMATION: Exhibit A (Parcel Tool Info)

PROJECT OVERVIEW

- If approved, a subdivision application will be submitted to split the parcel into two (2) lots, maintaining the existing building envelope. The resulting lots would meet the minimum lot size of the "R-1" zone which is one (1) acre.
- The subject parcel is Lot 2, Block 1 of Coyote Cove No. 2 Subdivision, which was platted in 2000 (Attachment 8). The subdivision is still zoned "A" (Agricultural) because platting was allowed by a conditional use permit (a process no longer used).
- Note 3 on the plat states "With the exception of lot line adjustments, there shall be no resubdivision of any lot within this development unless annexation into the city, or rezoning by any agency with jurisdiction occurs." The applicant is adhering to this plat note by requesting the conditional rezone of the parcel prior to re-subdivision of the lot.
- There are building envelopes delineated on the recorded plat. The CC&R's state that residences should be placed within the envelope (Attachment 9). The envelopes appear to have been placed as a protection of views.
- The property owner has previously requested a rezone of the subject property without a development agreement (case PH2018-6). The case was denied by the Board of County Commissioners on June 20, 2018. The conclusions of law state that the proposed zone was not

more appropriate than the current zoning designation, the rezone was not compatible with surrounding land uses, and that it would negatively affect the character of the area.

Existing Conditions:

Direction	Existing Conditions	Primary Zone	Other Zones
N	Coyote Cove Sub, Nampa City subdivisions and golf course	A	City zoning
Е	Gravel pit	A	
S	Coyote Cove Sub, Large agricultural parcel, Lake Lowell	A	1
W	Coyote Cove Sub, Large agricultural parcels, Lake Lowell	A	

[&]quot;A" (Agricultural), "R-R" (Rural Residential), "R-1" (Single-Family Residential), "C-1" (Neighborhood Commercial), "C-2" (Service Commercial), "M-1" (Light Industrial), "CR" (Conditional Rezone)

Surrounding Land Use Cases:

- There have been no county land use cases in the area since 2019.

Character of the Area:

- The area is a mix of rural, agricultural, and residential. The parcel is in Coyote Cove Subdivision, which has lot sizes ranging from around 1-4 acres. Nampa City subdivisions to the north and northeast have lot sizes under a quarter acre. Lake Lowell is approximately 1,700 ft south of the subject property. A gravel pit is located directly to the east.
- There are 73 subdivisions within 1 mile of the subject property with an average lot size of 0.36 acres. The majority of those subdivisions were created under Nampa's jurisdiction. Six subdivisions within a mile of the property were created in the county. Lynacrest Estates and East Lake Estates were created in 1973 and 1980. The other four were created between 2000 and 2006. Within 600 ft, the average lot size is 5.07 acres and the median is 1.99 acres. (Attachment 6e)

Access and Traffic:

- The subject parcel has frontage on S. Middleton Rd. The new parcel would also have frontage on S. Middleton Rd. Nampa Highway District indicated that a new access onto S. Middleton Rd would be granted if it meets the 75 ft spacing requirement (Attachment 7a).
- If approved, a subdivision application will be submitted to split the parcel into two lots, maintaining the existing building envelope. This would add one additional dwelling, which would generate approximately 9.52 trips per day according to CCZO 07-10-03 Note 3. The parcel is currently allowed to add a secondary residence which would add the same number of trips per day. There are no proposed conditions for this case that would prohibit secondary dwellings after the subdivision is completed, but the existing building envelope will constrain the ability to fit two dwellings on either lot.

Facilities:

- The existing home is served by an individual well and septic. A new individual well and septic would serve the new lot and it would be irrigated via well.
- The property is in a Nitrate Priority area (Attachment 6i). A Nitrate Priority study may be required by Southwest District Health at the time of subdivision platting. No comment was received from Southwest District Health at the time of drafting the staff report.

Essential Services:

- All essential services were notified of the proposed use; one comment was received. Nampa Fire Department stated that they do not oppose the application subject to general requirements, and that the response time will be approximately six minutes when Nampa Fire Station 6 opens in August 2023 (Attachment 7f).

COMPREHENSIVE PLAN ALIGNMENT:

- The subject property is designated as Residential in the 2030 Canyon County Comprehensive Plan Future Land Use Map. It is not located within a city impact area. The proposal aligns with the following goals and policies of the 2030 Comprehensive Plan:

Chapter 1: Property Rights			
G1.01.00	Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.		
P1.01.01	No person should be deprived of private property without due process of law.		
P1.01.03 Ordinances and land-use decisions should avoid imposing unnecessary conditions procedures on development approvals.			
	Chapter 2: Population		
G2.02.00	G2.02.00 Promote housing, business, and service types needed to meet the demand of the future and existing population.		
	Chapter 4: Land Use and Community Design		
G4.01.00	Support livability and high quality of life as the community changes over time.		
P4.01.01	Maintain a balance between residential growth and agriculture that protects the rural character.		
P4.01.02	Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights.		
P4.02.01	Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.		
P4.03.01	Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources.		
P4.03.02	P4.03.02 Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns.		
P4.03.03	Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility.		
P4.06.02	Encourage development design that accommodates topography and promotes conservation of agricultural land.		
G4.07.00	Protect rural qualities that make the County distinct and conserve and enhance the elements contributing to a good quality of life.		
P4.07.01	Plan land uses that are compatible with the surrounding community.		
G4.08.00	Maintain and enhance the aesthetic beauty of the County.		
P4.08.01	Protect and enhance the rural landscape as an essential scenic feature of the County.		
	Chapter 6: Schools		

P6.01.01	Consider the cumulative impact residential development will have on the capacity of	
P6.01.01	schools.	

	schools.
	Chapter 8: Transportation
P8.01.02	Consider the cumulative impact of rezones and subdivisions on road capacity and traffic congestion when making land-use decisions.
	Chapter 11: Housing
G11.02.00	Maintain the rural character of Canyon County while providing sufficient housing

without fragmenting agricultural land and natural resources.

POTENTIAL IMPACTS:

dwellings on either lot.

- If approved, a subdivision application will be submitted to split the parcel into two lots, maintaining the existing building envelope. This would add one additional dwelling, which would generate approximately 9.52 trips per day according to CCZO 07-10-03 Note 3. The parcel is currently allowed to add a secondary residence which would add the same number of trips per day. There are no proposed conditions for this case that would prohibit secondary dwellings after the subdivision is completed, but the existing building envelope will constrain the ability to fit two

- Adding a new well and septic in a nitrate priority area increases risk of groundwater contamination.

COMMENTS:

- Public:
 - No public comments were received at the time of drafting the staff report. Property owners within 600 ft were notified and a notice was posted in the newspaper on February 24th, 2023. A sign was posted on the property on March 3rd, 2023.

Agencies:

- Nampa Highway District (Attachment 7a): Approved land split application. Approach permit required for new access.
- Department of Environmental Quality (Attachment 7b): General comments
- Nampa Planning & Zoning (Attachment 7c): No comment. The case is not in a city impact area.
- Idaho Transportation Department (Attachment 7d): No comment. The case does not impact the state highway system.
- Canyon Soil Conservation District (Attachment 7e): Did not comment on this specific case.
- Nampa Fire Department (Attachment 7f): Stated that they will provide the property with emergency services, the development will not have a negative impact on the department, and that they do not oppose the application.

RECOMMENDATION:

- Staff recommends the Planning and Zoning Commission open a public hearing and discuss the proposed requests.
- Staff is **recommending approval** of the conditional rezone and has provided findings of fact and conclusions of law for the Planning and Zoning Commission's consideration found in Exhibit B.

DECISION OPTIONS:

- The Planning and Zoning Commission may recommend **approval** of the conditional rezone to the Board of County Commissioners as conditioned and/or amended;
- The Planning and Zoning Commission may recommend **denial** of the conditional rezone to the Board of County Commissioners and direct staff to return with finds that support the decision; or
- The Planning and Zoning Commission may **continue the discussion** and request additional information on specific items.

ATTACHMENTS/EXHIBITS:

Exhibit A: Parcel Tool

Exhibit B: Draft Findings

Attachment 1: Draft Conditions of Approval

Attachment 2: Concept Plan

Attachment 3: Letter of Intent and Land Use Worksheet

Attachment 4: Neighborhood Meeting

Attachment 5: Site Photos

Attachment 6: Maps

6a: Small Aerial

6b: Vicinity

6c: Zoning

6d: Future Land Use

6e: Subdivision & Lot Report

6f: Lot Classification

6g: Dairy, Feedlot, & Gravel Pit

6h: Soil & Prime Farmland

6i: Nitrate Priority Area

Attachment 7: Agency Comments

7a: Nampa Highway District

7b: Department of Environmental Quality

7c: Nampa Planning & Zoning

7d: Idaho Transportation Department

7e: Canyon Soil Conservation District

7f: Nampa Fire Department

Attachment 8: Coyote Cove No. 2 Plat

Attachment 9: Coyote Cove No. 2 CC&R

CR2022-0032: STAFF REPORT

R29303251 PARCEL INFORMATION REPORT

3/17/2023 4:56:39 PM

PARCEL NUMBER: R29303251

OWNER NAME: IOVU VIRGIL

CO-OWNER: IOVU TABITA

MAILING ADDRESS: 2505 S MIDDLETON RD NAMPA ID 83686

SITE ADDRESS: 2505 S MIDDLETON RD

TAX CODE: 2080000

TWP: 2N RNG: 2W SEC: 06 QUARTER: NE

ACRES: 2.92

HOME OWNERS EXEMPTION: No

AG-EXEMPT: No

DRAIN DISTRICT: NOT In Drain Dist

ZONING DESCRIPTION: AG / AGRICULTURAL

HIGHWAY DISTRICT: NAMPA HWY DIST

FIRE DISTRICT: NAMPA FIRE

SCHOOL DISTRICT: NAMPA SCHOOL DIST

IMPACT AREA: NOT In Impact Area

FUTURE LAND USE 2011-2022: Res

FLU Overlay Zone Desc 2030:

FLU RR Zone Desc 2030:

FUTURE LAND USE 2030: Res

IRRIGATION DISTRICT: BOISE PROJECT BOARD OF CONTROL

FEMA FLOOD ZONE: X FLOODWAY: NOT IN FLOODWAY FIRM PANEL: 16027C0390F

WETLAND: NOT In WETLAND

NITRATE PRIORITY: ADA CANYON

PRINCIPAL ARTERIAL: NOT In Principal Art

COLLECTOR: NOT In COLLECTOR

INSTRUMENT NO.: 200409634

SCENIC BYWAY: NOT In Scenic Byway

LEGAL DESCRIPTION: 06-2N-2W NE COYOTE COVE NO 2 LT 2 BLK 1 SURFACE RIGHTS

ONLY

PLATTED SUBDIVISION: COYOTE COVE NO 2

SMALL CITY ZONING:

SMALL CITY ZONING TYPE:

DISCLAIMER:

- 1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS, POSSIBLY ONE (1) OF SEVERAL ZONES SEE FIRM PANEL NUMBER.
- 2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.

 3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED WETLAND.
- 4. COLLECTORS AND ARTERIALS ARE BASED ON THE SHERRIFS CENTERLINE WITH AN ADDITIONAL 100 FOOT BUFFER.



FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

In the matter of the application of:

Iovu - CR2022-0032

The Canyon County Planning and Zoning Commission considers the following:

Conditional Rezone of Parcel R29303251 from an "A"
 (Agricultural) zone to a "CR-R-1" (Conditional Rezone
 - Single-Family Residential) zone. The request includes a development agreement that limits the number of divisions of the parcel and maintains the existing building envelope.

Case No. CR2022-0032, 2505 S Middleton Rd, Nampa (R29303251), a portion of the NE¹/₄ of Section 06, T2N, R2W, BM, Canyon County, Idaho

Summary of the Record

- 1. The record is comprised of the following:
 - A. The record includes all testimony, the staff report, exhibits, attachments, and documents in Case File CR2022-0032.

Applicable Law

- 1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §07-10-25 (Purposes of Zones), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), and Idaho Code §67-6511 (Zoning Map Amendments and Procedures).
 - a. Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509.
 - b. The presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote the public health, safety, and welfare, or to reduce any potential damage, hazard, nuisance, or other detriment to persons or property in the vicinity to make the land use more compatible with neighboring land uses. See CCZO §07-06-07(1).
 - c. All conditional rezones for land use shall commence within two (2) years of the approval of the board. If the conditional rezone has not commenced within the stated time requirement, the application for a conditional rezone shall lapse and become void. *See* CCZO §07-05-01
- 2. The commission has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act ("LLUPA") and can establish its own ordinances regarding land use, including subdivision permits. *See* I.C. §67-6504, §67-6511.
- 3. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCZO §07-03-01, 07-06-05.
- 4. The burden of persuasion is upon the applicant to prove that all criteria, including whether the proposed use is essential or desirable to the public welfare, are satisfied. CCZO §07-05-03.

5. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record. The County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The application (CR2022-0032) was presented at a public hearing before the Canyon County Planning and Zoning Commission on April 6, 2023. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Planning and Zoning Commission decides as follows:

CONDITIONAL REZONE CRITERIA – CCZO §07-06-07(6)

1. Is the proposed conditional rezone generally consistent with the comprehensive plan?

Conclusion: The proposed conditional rezone is generally consistent with the comprehensive plan.

Findings: (1) The subject parcel is designated as Residential in the 2030 Canyon County Comprehensive Plan Future Land Use Map. It is not located within a city impact area.

(2) The request aligns with the following goals and policies of the 2030 Canyon County Comprehensive Plan:

	Chapter 1: Property Rights
G1.01.00	Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.
P1.01.01	No person should be deprived of private property without due process of law.
P1.01.03	Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures on development approvals.

The applicant is being given due process of law through the hearing process. The conditions of approval (Attachment 1) have been reviewed by the applicant and are determined to be necessary.

Chapter 2: Population			
G2.02.00	Promote housing, business, and service types needed to meet the demand of the future and existing population.		
	Chapter 4: Land Use and Community Design		
G4.01.00	4.01.00 Support livability and high quality of life as the community changes over time.		
P4.01.01	Maintain a balance between residential growth and agriculture that protects the rural character.		
P4.01.02	Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights.		
P4.02.01	Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.		
P4.03.01	Designate areas that may be appropriate for industrial, commercial, and residential land uses while protecting and conserving farmland and natural resources.		

P4.03.02	Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns.	
P4.03.03	Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility.	
P4.06.02	Encourage development design that accommodates topography and promotes the conservation of agricultural land.	
G4.07.00	Protect rural qualities that make the County distinct and conserve and enhance the elements contributing to a good quality of life.	
P4.07.01	Plan land uses that are compatible with the surrounding community.	
G4.08.00	Maintain and enhance the aesthetic beauty of the County.	
P4.08.01	Protect and enhance the rural landscape as an essential scenic feature of the County.	

The conditional rezone will provide additional housing within an existing subdivision. It will not fragment agricultural land or natural resources. See Findings for Criteria No. 2, 3, and 4.

	Chapter 6: Schools
P6.01.01	Consider the cumulative impact residential development will have on the capacity of schools.

No comment was received from Nampa School District. See Findings for Criteria No. 8.

	Chapter 8: Transportation
P8.01.02	Consider the cumulative impact of rezones and subdivisions on road capacity and traffic congestion when making land-use decisions.

See Findings for Criteria No. 6 and 7.

	Chapter 11: Housing
G11.02.0 0	Maintain the rural character of Canyon County while providing sufficient housing without fragmenting agricultural land and natural resources.

The conditional rezone will provide additional housing within an existing subdivision. It will not fragment agricultural land or natural resources. See Findings for Criteria No. 4.

- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with attachments found in Case No. CR2022-0032.
- 2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?

Conclusion: The request is more appropriate than the current zoning designation.

- **Findings:** (1) The parcel is currently zoned "A" (Agricultural). Surrounding county properties are predominantly zoned "A" (Agricultural; Attachment 6c). Surrounding properties in the City of Nampa are in "Single-Family Residential", "Suburban Residential", and "Agricultural" zones.
 - (2) Pursuant to CCZO §07-10-25(1), the purpose of the "A" (Agricultural) zone is:

- A. Promote the public health, safety, and welfare of the people of the County by encouraging the protection of viable farmland and farming operations;
- B. Limit urban density development to Areas of City Impact in accordance with the comprehensive plan;
- C. Protect fish, wildlife, and recreation resources, consistent with the purposes of the "Local Land Use Planning Act", Idaho Code title 67, chapter 65;
- D. Protect agricultural land uses, and rangeland uses, and wildlife management areas from unreasonable adverse impacts from development; and
- E. Provide for the development of schools, churches, and other public and quasi-public uses consistent with the comprehensive plan.

Pursuant to CCZO §07-10-25(3), the purpose of the "R-1" (Single-Family Residential) zone is "to promote and enhance predominantly single-family living areas at a low-density standard".

The subject parcel and parcels to the north, west, and south are a predominantly single-family living area. They are not used for agricultural purposes and do not support the purpose of the "A" (Agricultural) zone.

- (3) The parcel is in Coyote Cove Subdivision # 2, which has lot sizes ranging from around 1-4 acres (Attachment 8). Nampa City subdivisions to the north and northeast have lot sizes under a quarter acre (Attachment 6e). There are 73 subdivisions within one mile of the subject property with an average lot size of 0.36 acres. Within 600 ft, the average lot size is 5.07 acres and the median is 1.99 acres. (Attachment 6e)
- (4) Based on site visit photos (Attachment 5), the parcel is currently used primarily for residential purposes and does not contain any active farmland. The parcels immediately adjacent to the subject parcel are also used primarily for residential purposes except for the parcels to the east which are used for mineral extraction and farmland.
- (5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with attachments found in Case No. CR2022-0032.

3. Is the proposed conditional rezone compatible with surrounding land uses?

Conclusion: As conditioned, the request is compatible with the surrounding land uses.

- **Finding:** (1) Based on site visit photos (Attachment 5), the parcel is currently used primarily for residential purposes and does not contain any active farmland. The parcels immediately adjacent to the subject parcel are also used primarily for residential purposes except for the parcels to the east which are used for mineral extraction and farmland.
 - (2) The parcel is in Coyote Cove Subdivision #2, which has lot sizes ranging from around 1-4 acres Attachment 8). If this rezone and subdivision is approved, the average lot size of the two lots would be 1.46 acres. All lots within Coyote Cove Subdivision #2 are currently larger than this average except Lot 1 Block 1 (parcel R29303250, which is 0.89 acre. Nampa City subdivisions to the north and northeast have lot sizes under a quarter acre (Attachment 6e). There are 73 subdivisions within one mile of the subject property with an average lot size of 0.36 acres. Within 600 ft, the average lot size is 5.07 acres and the median is 1.99 acres. (Attachment 6e)
 - (3) Condition 3 requires a subdivision application to be submitted to split the parcel into two lots in compliance with the concept plan. Condition 3a requires that the plat maintain the existing building envelope. This would add one additional dwelling. The parcel is currently allowed to add a secondary residence. There are no proposed conditions for this case that would prohibit

- secondary dwellings after the subdivision is completed, but the existing building envelope will constrain the ability to fit two dwellings on either lot.
- (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits and attachments found in Case No. CR2022-0032.
- 4. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?

Conclusion: As conditioned, the request will not negatively affect the character of the area.

Finding: (1) The area is a mix of rural, agricultural, and residential. The parcel is in Coyote Cove Subdivision, which has lot sizes of approximately 1-4 acres. Nampa City subdivisions to the north and northeast have lot sizes under a quarter acre. Lake Lowell is approximately 1,700 ft south of the subject property. A gravel pit is located directly to the east. There are 73 subdivisions within 1 mile of the subject property with an average lot size of 0.36 acres. Within

600 ft, the average lot size is 5.07 acres and the median is 1.99 acres. (Attachment 6e)

- (2) Condition 3 requires a subdivision application to be submitted to split the parcel into two lots in compliance with the concept plan. Condition 3a requires that the plat maintain the existing building envelope. This would add one additional dwelling, which would generate approximately 9.52 trips per day according to CCZO 07-10-03 Note 3. The parcel is currently allowed to add a secondary residence which would add the same number of trips per day. There are no proposed conditions for this case that would prohibit secondary dwellings after the subdivision is completed, but the existing building envelope will constrain the ability to fit two dwellings on either lot.
- (3) Notice of the public hearing was provided per CCZO §07-05-01. Newspaper notice was published on February 24, 2023. Property owners within 600' were notified by mail on February 24, 2023. The property was posted on March 3, 2023. No public comments were received.
- (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits and attachments found in Case No. CR2022-0032.
- 5. Will adequate facilities and services including sewer, water, drainage, irrigation, and utilities be provided to accommodate proposed conditional rezone?

Conclusion: Adequate sewer, water, drainage, irrigation, and utilities will be provided to accommodate the request at the time of development.

- **Finding:** (1) Future development will require a domestic well and septic systems. Future development will be required to meet Idaho Department of Water Resources and Southwest District Health requirements regarding the placement of a well and septic system. Drainage and irrigation will be addressed at the time of subdivision.
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and full political noticing were sent on February 10, 2023.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits and attachments found in Case No. CR2022-0032.
- 6. Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?

Conclusion: The request does not require public street improvements. No measures are necessary to mitigate traffic impacts.

- Finding: (1) Condition 3 requires a subdivision application to be submitted to split the parcel into two lots in compliance with the concept plan. Condition 3a requires that the plat maintain the existing building envelope. This would add one additional dwelling, which would generate approximately 9.52 trips per day according to CCZO 07-10-03 Note 3. The parcel is currently allowed to add a secondary residence which would add the same number of trips per day. There are no proposed conditions for this case that would prohibit secondary dwellings after the subdivision is completed, but the existing building envelope will constrain the ability to fit two dwellings on either lot.
 - (2) No agencies stated they had concerns regarding traffic impacts. The request is not anticipated to cause undue interference with existing or future traffic patterns.
 - (3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and full political noticing were sent on February 10, 2023.
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits and attachments found in Case No. CR2022-0032.
- 7. Does legal access to the subject property for the conditional rezone exist or will it exist at time of development?

Conclusion: The property will have legal access at the time of development.

- **Finding:** (1) According to the concept plan (Attachment 2), the property will have 60 ft of frontage along S Middleton Rd, a public road. Nampa Highway District provided a copy of their approved land split application indicating that they would require an approach permit (Attachment 7a). The new approach will be required to meet highway district standards.
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and full political noticing were sent on February 10, 2023.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits and attachments found in Case No. CR2022-0032.
- 8. Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire, and emergency medical services? What measures will be implemented to mitigate impacts?

Conclusion: Essential services will be provided to accommodate the use. No mitigation is proposed at this time.

- **Finding:** (1) The property will be served by Nampa School District, Nampa Fire Department, and Canyon County Emergency Services. All essential services were notified. Nampa Fire District stated that they will provide the property with emergency services, the development will not have a negative impact on the department, and that they do not oppose the application (Attachment 7f).
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and full political noticing were sent on February 10, 2023.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits and attachments found in Case No. CR2022-0032.

Order

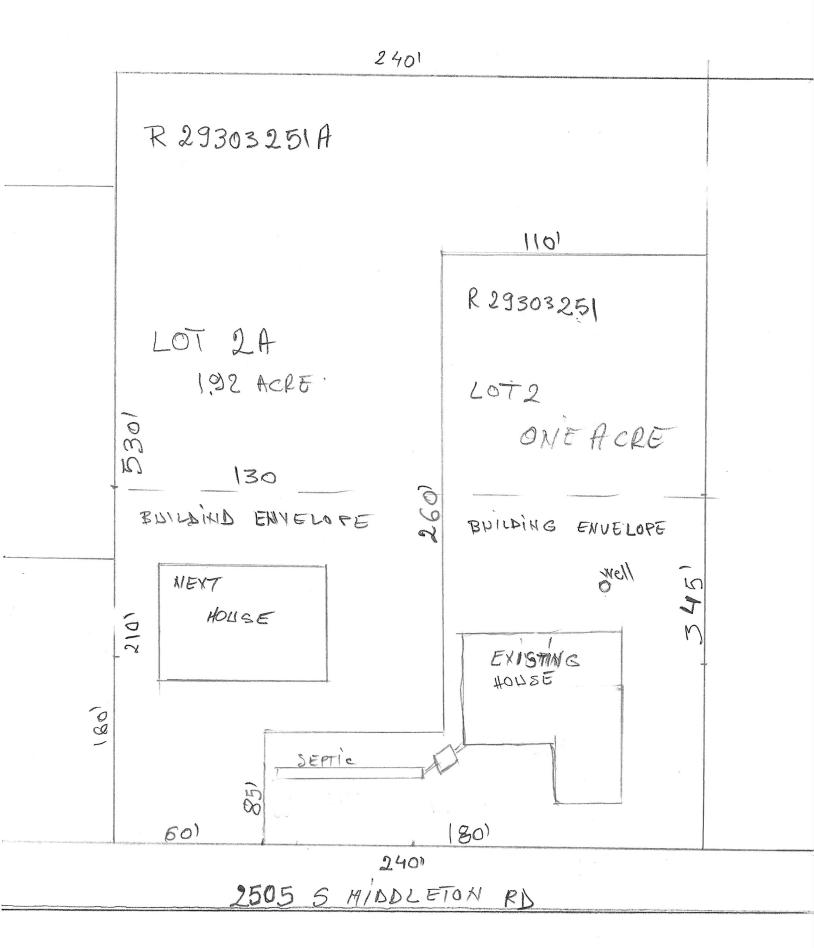
Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission recommends **approval** of Case # CR2022-0032, a conditional rezone of Parcel R29303251 from an "A" (Agricultural) zone to a "CR-R-1" (Conditional Rezone - Single-Family Residential) zone subject to conditions of the development agreement (Attachment 1).

DATED this	_ day of	, 2023.
		PLANNING AND ZONING COMMISSION CANYON COUNTY, IDAHO
		Robert Sturgill, Chairman
State of Idaho)	
		SS
County of Canyon County)	
-		, in the year 2023, before me, a notary public, personally appeared, personally known to me to be the person whose name is subscribed to the within instrument
and acknowledged to me		
		Notary:
		My Commission Expires:

ATTACHMENT 1

DRAFT CONDITIONS OF APPROVAL

- 1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.
- 2. The developer shall comply with CCZO §07-06-07 (4): Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."
- 3. The subject parcel R27939, 2.76 acres, shall be divided in compliance with Chapter 7, Article 17 (Subdivisions) of the Canyon County Zoning Ordinance in substantial compliance with the concept plan (Attachment 2) subject to the following restrictions:
 - a. The existing building envelope shall be maintained. Any residential or accessory structures shall be within the building envelope.
- 4. The Right to Farm Act Statement shall be disclosed on deeds to all future parcel owners.



MASTER APPLICATION

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



	OWNER NAME: VIRGIL 10VU				
PROPERTY	MAILING ADDRESS: 2505 S. MIDDLE TON RD. NAMPA, ID 83686				
OWNER	PHONE: (208) 467-3738 EMAIL: VIOVU @ YGhoo. com				
I consent to this	I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If owner(s) are a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.				
Signature:	MM				
(AGENT)	CONTACT NAME: CLAUDIA FRENT				
ARCHITECT	COMPANY NAME:				
ENGINEER BUILDER	MAILING ADDRESS: 12359 RIVENDELL COURT, NAMPA, is 83686				
	PHONE (916) 541-7694 EMAIL: frental @ yahoo.com				
	STREET ADDRESS: 2505 S. MIDDLETON RD. MAMPA, ID 83686				
	PARCEL #: R 293032510 LOT SIZE/AREA: 2,92 acres				
SITE INFO	LOT: 2 BLOCK: 1 SUBDIVISION: COYOTE COVE NO 2				
	QUARTER: $N \in SECTION$: 6 TOWNSHIP: 2 M RANGE: 2 W/				
	ZONING DISTRICT: FLOODZONE (YES/NO):				
HEARING	CONDITIONAL USECOMP PLAN AMENDMENTCONDITIONAL REZONE				
LEVEL	ZONING AMENDMENT (REZONE)DEV. AGREEMENT MODIFICATIONVARIANCE > 33%				
APPS	MINOR REPLATVACATIONAPPEAL				
	SHORT PLAT SUBDIVISION PRELIMINARY PLAT SUBDIVISIONFINAL PLAT SUBDIVISION				
DIRECTORS	ADMINISTRATIVE LAND DIVISIONEASEMENT REDUCTIONSIGN PERMIT				
DECISION	PROPERTY BOUNDARY ADJUSTMENTHOME BUSINESSVARIANCE 33% >				
APPS	PRIVATE ROAD NAMETEMPORARY USEDAY CARE				
	OTHER				
CASE NUMBE	ER: CR 2022-0032 DATE RECEIVED: 11/22/22				
RECEIVED BY	ER: CR 2022-0032 DATE RECEIVED: 11/22/22 EMaddy Under Ven APPLICATION FEE: \$1400 (CK) MO CC CASH				

Revised 1/3/21

November 22, 2020

Canyon County Development Services

Suite \$ 10

Calbhaell, ID 83605

Parcel # R 293032510

Dear acesson,

I am seconcitting an application for a Conditional Regone permit. I am un complicance with all legal binding documents, CCR's and Land agreements that are in effect. My intent . W to follow the rules set before in with these documents. - my request is consisted with the Comprehensive plan. my reflect falls unto line with the Emment use of the hand summerching with I is a reighborhood. I'm closere is to beald consther from E. Yes, my request is compatible with Surrounding kand uses. My request well not negatively affect the Character of the area. I will follow the building of this new home in Compliance with the Land use certract (existing). I will follow the rules set up by the CCR'S (existing). alle sewer, water and Chainage, etc. will be provided to accompdate the uguest. Hes, legal access to subject Property exists. No, street improvements or

trappic patterns, will be affected by this conditional rezone. No, request will not impact pulsaic services, and facilities in a regative way. Please feel free to contact me with any additional questions.

Respectfully trans

Vingil and Tabita Iove

LAND USE WORKSHEET

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458 Fax: 208-454-6633



PLEAS	E CHECK ALL THAT APPLY TO YOUR REQUEST:
	GENERAL INFORMATION
1. □ □	DOMESTIC WATER: ☐ Individual Domestic Well ☐ Centralized Public Water System ☐ City N/A – Explain why this is not applicable: How many Individual Domestic Wells are proposed? One
2.	SEWER (Wastewater)
3.	IRRIGATION WATER PROVIDED VIA: □ Surface
4.	IF IRRIGATED, PROPOSED IRRIGATION: Pressurized
5.	ACCESS: Frontage Easement widthInst. #
6.	INTERNAL ROADS: □ Public □ Private Road User's Maintenance Agreement Inst #
7.	FENCING
8.	STORMWATER: Retained on site Swales Ponds Borrow Ditches Other:
9.	SOURCES OF SURFACE WATER ON OR NEARBY PROPERTY: (i.e. creeks, ditches, canals, lake)

	RESIDENTIAL USES
1.	NUMBER OF LOTS REQUESTED:
	Residential Commercial Industrial
	□ Common □ Non-Buildable
_	
2.	FIRE SUPPRESSION:
	Water supply source:
3.	INCLUDED IN YOUR PROPOSED PLAN?
	□ Sidewalks □ Curbs □ Gutters □ Street Lights ☒ None
	NON-RESIDENTIAL USES
1.	SPECIFIC USE:
2.	DAYS AND HOURS OF OPERATION:
	□ Monday to
	□ Tuesday to
	□ Wednesday to
	☐ Thursday to
	□ Friday to
	□ Saturday to
	□ Sunday to
3.	WILL YOU HAVE EMPLOYEES? Yes If so, how many? No
4.	WILL YOU HAVE A SIGN? ☐ Yes ☐ No ☐ Lighted ☐ Non-Lighted
	Height: ft Width: ft. Height above ground: ft
	What type of sign:Wall Freestanding Other
	5. PARKING AND LOADING: How many parking spaces?
	Is there is a loading or unloading area?

ù	ANIMAL CARE RELATED USES	
1.	MAXIMUM NUMBER OF ANIMALS:	
2.	HOW WILL ANIMALS BE HOUSED AT THE LOCATION?	
	☐ Building ☐ Kennel ☐ Individual Housing ☐ Other	
3.	HOW DO YOU PROPOSE TO MITIGATE NOISE?	
	☐ Building ☐ Enclosure ☐ Barrier/Berm ☐ Bark Collars	
4.	ANIMAL WASTE DISPOSAL	
	☐ Individual Domestic Septic System ☐ Animal Waste Only Septic System	
<i></i>	Other:	

Dear Neighbor,

We are in the process of submitting an application for a Conditional Rezone Permit to Canyon County Development Services. One of the requirements necessary prior to submitting the application is to hold a "neighborhood meeting" to notify them of our intentions.

This meeting is for informational purposes. This is not a public hearing. Once our application has been submitted and processed, a public hearing date will be scheduled. Prior to the scheduled date you will receive and official notification from Canyon County regarding the Public Hearing via postal mail, newspaper publication, and or a display on the property for which the Conditional Rezone Permit is applied.

The meeting information is as follows.

Date: Monday, November 21,2022

Time: 5:00 pm

Location: 2505 South Middleton Road, Nampa ID 83686

We look forward to the neighborhood meeting and encourage you to attend. At that time, we will answer any questions you may have.

Please do not call Canyon County Development Services regarding this meeting. This is a PRE-APPLICATION requirement and we have NOT submitted the application for consideration at this time. The County currently has not information on this project. If you have any questions prior to the meeting, please contact me at 916 541-7694.

Sincerely

Claudia Frent on behalf of

Virgil and Tabita Iovu

Parcel Numb	Parcel Numbe Owner Name R29303 KNAPP AL @@	Address 11215 GREENHURST RD	City	State	ZipCode 83686
R29315010B	TROYER MARILLYN A REVOCABLE LIVING TRUST	11153 COYOTE CV	NAMPA	. □	83686-8040
3 R29303268	STRACK SAMANTHA JO ESTATE	PO BOX 64142	SAINT PAUL	Z Z	55164
ψ R29303259	HALE TODD W	11825 MEREDITH CT	NAMPA	Ω	83686
S R29303257	TAYLOR JOHN AND MARGARET FAM TRUST	11870 MEREDITH CT	NAMPA	Ω	83686
∠ R29303267	MILLS CO REALTY INC	PO BOX 206	MIDDLETON	Ω	83644
7 R29303255	RAMBO TIMOTHY B	11199 GREENHURST RD	NAMPA	Q	83686
8 R29309	TOWERY TIMOTHY J	11086 COYOTE CV	NAMPA	<u></u>	83686-8039
9 + R29303251	IOVU VIRGIL	2505 S MIDDLETON RD	NAMPA	Ω	83686
, 10 R29303269	HENNING HOWARD M	11110 COYOTE CV	NAMPA	Q	83686-8039
// R29301119	THIBAULT TANNER JAMES	2533 HERON RIDGE CT	NAMPA	QI	83686
(2 R29303256	ELLISTON JOSEPH J	11900 MEREDITH CT	NAMPA	Ω	83686
/3 R29303271	TAYLOR MARC B AND TALISHA J REVOCABLE LIVING TRUST	11820 MEREDITH CT	NAMPA	Ω	83686
14 R29303252	BURRIS SCOTT L	2411 S MIDDLETON RD	NAMPA	۵	83686
,5 R29301120	LOPEZ MARIO	2515 W HERRON RIDGE CT	NAMPA	Q	83651
/ <i>b</i> R29312	HALL WILLIAM H JR	11093 GREENHURST RD	NAMPA	Q	83686
17 R29301117	PHILLIPS EARNIE ROBERT	2569 W HERRON RIDGE CT	NAMPA	QI	83686
/8 R29303254	HUTTON CHARLEY B	9068 BOOKER LN	NAMPA	Ω	83686
19 R29301123	SMITH TERESA ELIZABETH	2461 W HERRON RIDGE CT	NAMPA	Ω	83686
20 R29311	MARSHALL FAMILY TRUST	11101 GREENHURST RD	NAMPA	Ω	83686
21 R29303260	SMITH GARY AND SUSAN JOINT REVOCABLE LIVING TRUST	11887 MEREDITH CT	NAMPA	Q	83686
22 R29303258	BOURKLAND NATASHA	11777 MEREDITH CT	NAMPA	Ω	83686
25 R29310	TOLLEY BRIAN WILLIAM	2325 S MIDDLETON RD	NAMPA	Q	83686
('24 R29301100	HERON RIDGE HOMEOWNERS ASSOCIATION INC	203 11TH AVE S	NAMPA	Q	83651
4 25 R29301100	HERON RIDGE HOMEOWNERS ASSOCIATION INC	203 11TH AVE S	NAMPA	Q	83651
26 R29301118	PIONEER HOMES INC	719 1ST ST S STE B	NAMPA	Q	83651
27 R29303270	LANTO STEPHEN J	11152 COYOTE CV	NAMPA	Ω	83686-8039
28 R29302	RAMBO BRYON CRUSHING CO	2700 S MIDDLETON RD	NAMPA	Q	83686-8134
29 R29303253	PRATT RICHARD AARON	2341 S MIDDLETON RD	NAMPA	Ω	83686
30 R29303250	SANCHEZ ALBERT A	2525 S MIDDLETON RD	NAMPA	Q	83686
R29315011	TROYER MARILLYN A REVOCABLE LIVING TRUST	11153 COYOTE CV	NAMPA	ؽ	83686-8040
32 R29299	TROYER SCOTT A	11001 COYOTE CV	NAMPA	Ω	83686-8040
33 R29297	RAMBO SAND GRAVEL INC	2700 S MIDDLETON RD	NAMPA	<u>Q</u>	83687

NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT

111 North 11th Avenue, #140, Caldwell, ID 83605

www.canyonco.org/dsd.aspx Phone: 208-454-7458





NEIGHBORHOOD MEETING SIGN UP SHEET CANYON COUNTY ZONING ORDINANCE §07-01-15

Applicants shall conduct a neighborhood meeting for any proposed comprehensive plan amendment, zoning map amendment (rezone), subdivision, variance, conditional use, zoning ordinance map amendment, or other requests requiring a public hearing.

SITE INFORMATION

Site Address: 2505 middleton Rd	Parcel Number: R 293032510
City. Dam Da	State: 10 ZIP Code: 83686
Notices Mailed Date: Nov. 3, 707.7	Number of Acres: 2,97 Current Zoning:
Description of the Request: Conditional Rezone	L, TC among
APPLICANT / REPRES	ENTATIVE INFORMATION
Contact Name:	
Company Name: N	
Current address: 12359 Rivendell	07
City: Nampa	State: <u>TO</u> ZIP Code: 83686
Phone:	Cell: (916) 541-769 (Fax:
Email: frentcl@yahoo.com	
J	
MEETING	
	INFORMATION
DATE OF MEETING: NOV. 21, 2022 MEETING LO	OCATION: 2505 S. middleton Rd.
MEETING START TIME: 5:00 pm MEETING EN	NO TIME, 5 944
	TIME. J. DO PMI
ATTENDEES:	
NAME (PLEASE PRINT) SIGNATURE:	ADDRESS:
1. MARC 19ylor	11820 Mered. th ct
2. JAKED MANSFIRLD	11921
3 Aprilon Hurrand	and Banker
ali in Hun	1060 DOOKEN Lane
THE TAX TO	Same
Span Wankall	11/0/ 6 000 py Xt.
6. Osfa VIRVU	11998 Meredith C+
7. Ann Spine	11968 Nonalith A
8. Quellas	1:980 11.080 A. Ch Ca
9. Janelle INClsin	1/293 Oresnhusst

10. BILL Hall 11093 Grown hurst Kand
11.
12.
13.
14.
15.
16.
17.
18.
19.
20.
NEIGHBORHOOD MEETING CERTIFICATION:
I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accordance with Canyon County Zoning Ordinance § 07-01-15.
APPLICANT/REPRESENTATIVE (Please print):
Claudio Frent

APPLICANT/REPRESENTATIVE (Signature): Cloudia Frent

DATE: 11 21 2022

Site Photos: Taken March 21, 2023

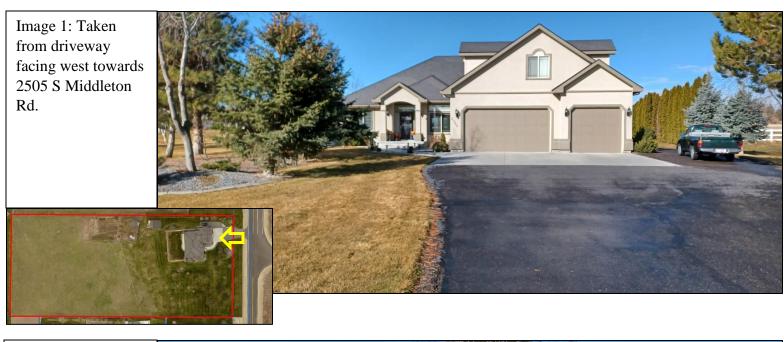






Image 4: Taken from driveway facing southeast towards the neighboring gravel pit. Image 5: Taken from driveway facing east towards the neighboring gravel pit. Image 6: Taken from driveway facing northeast.

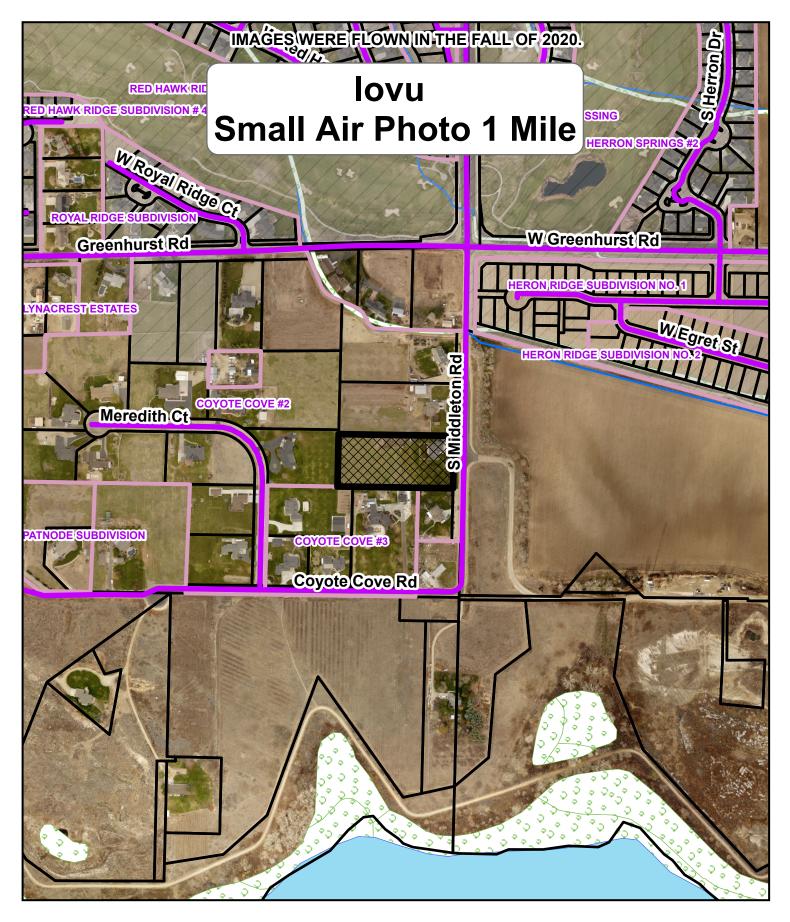


Image 8: Taken from S Middleton Rd facing west into the subject property.

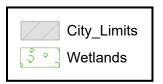


Image 9: Taken from S Middleton Rd facing southwest into the subject property.



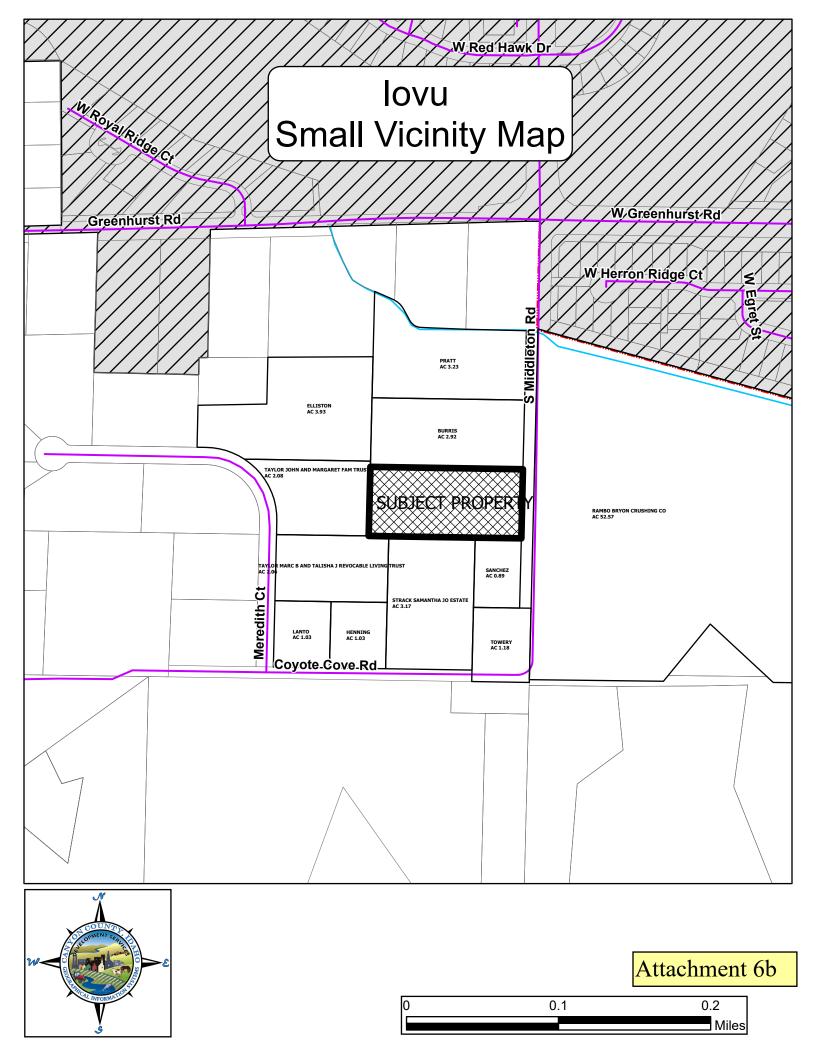


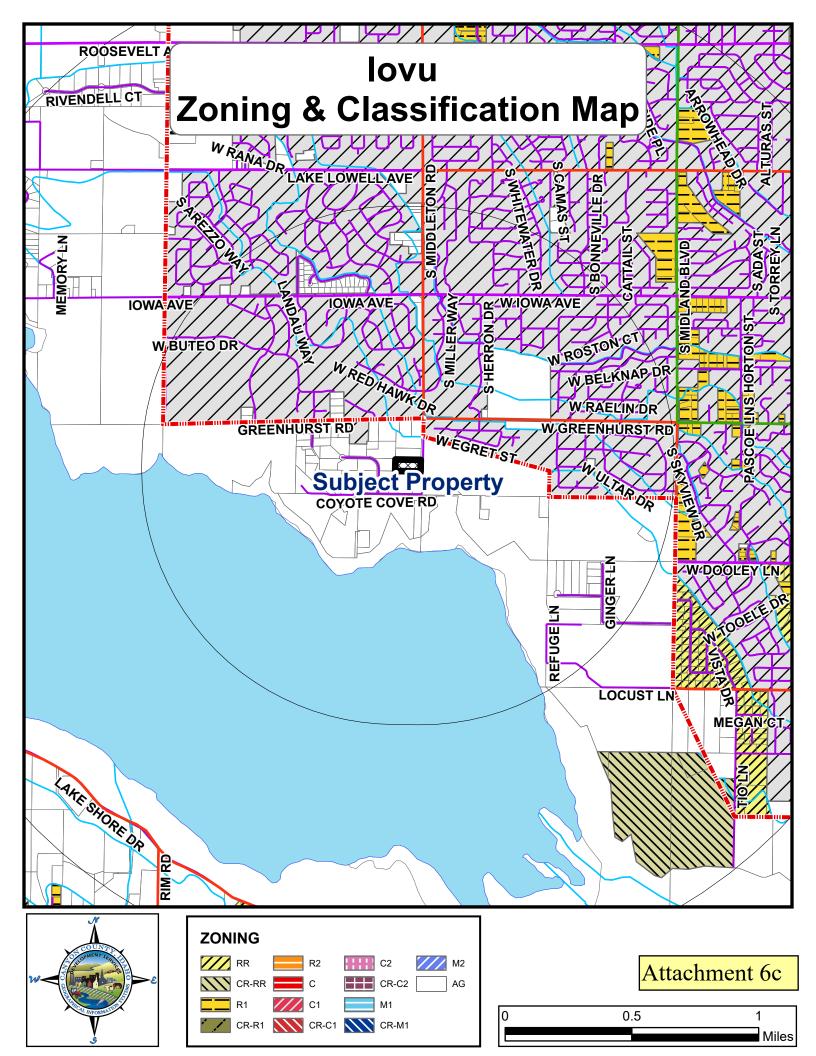


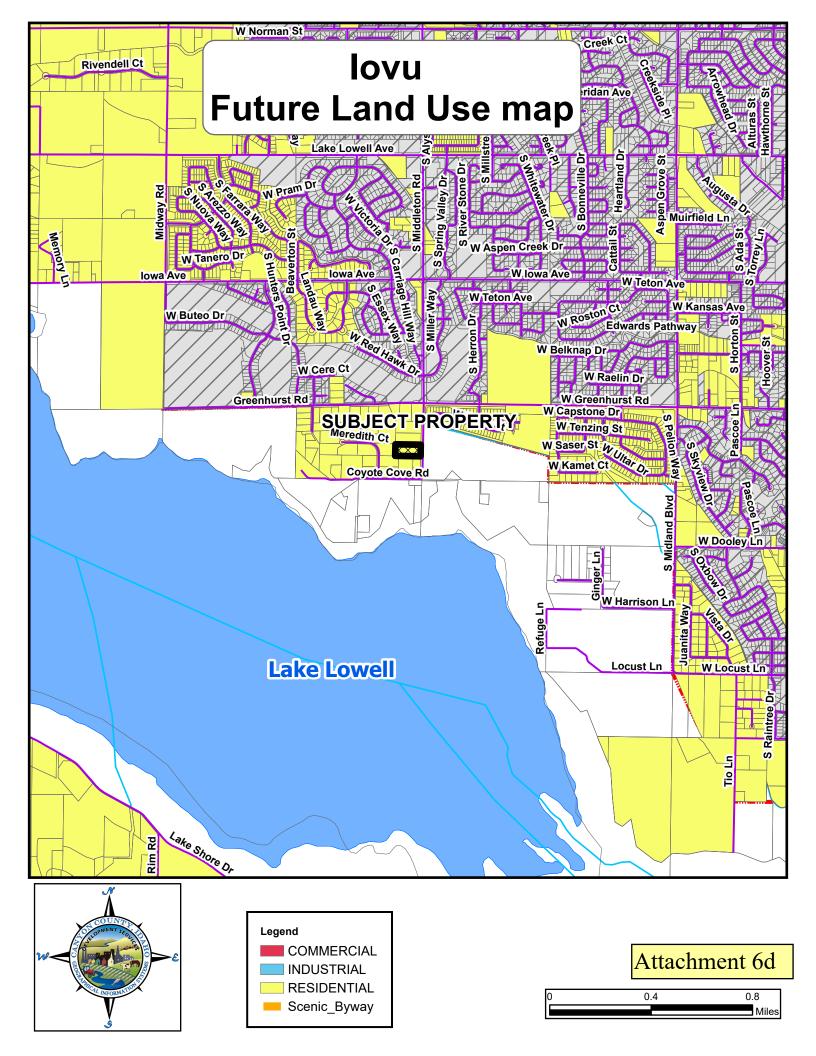


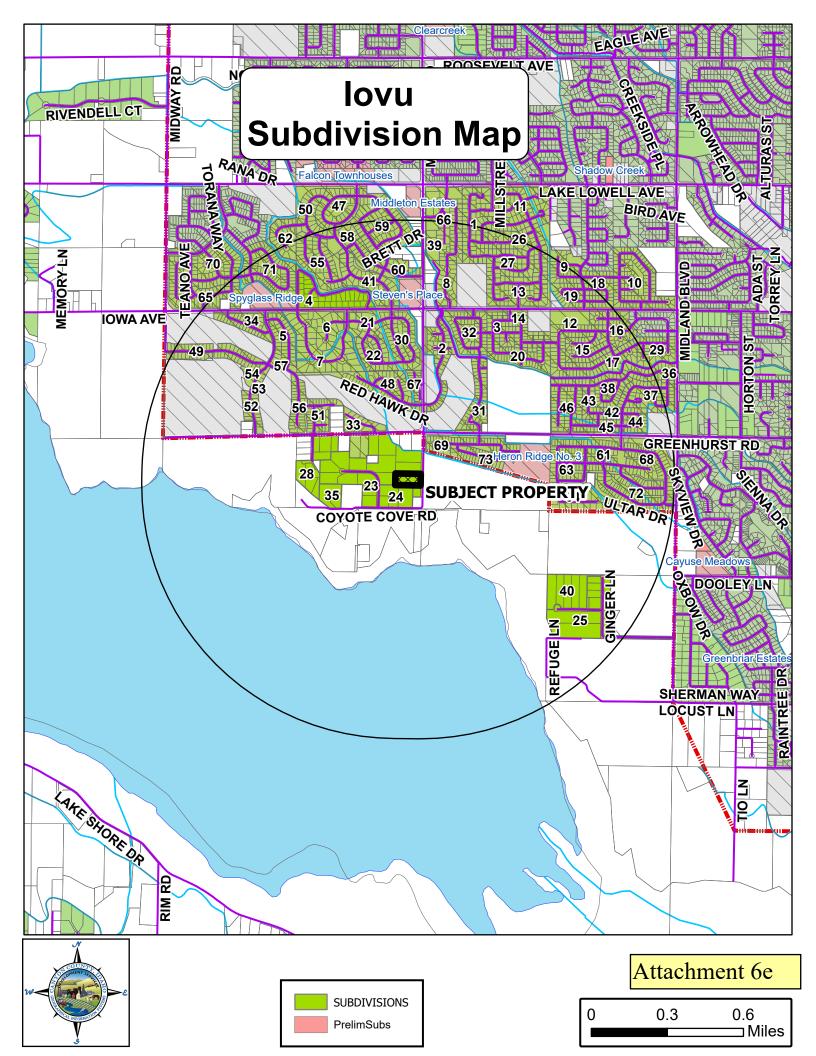
Attachment 6a

0	0.15	0.3
		Miles









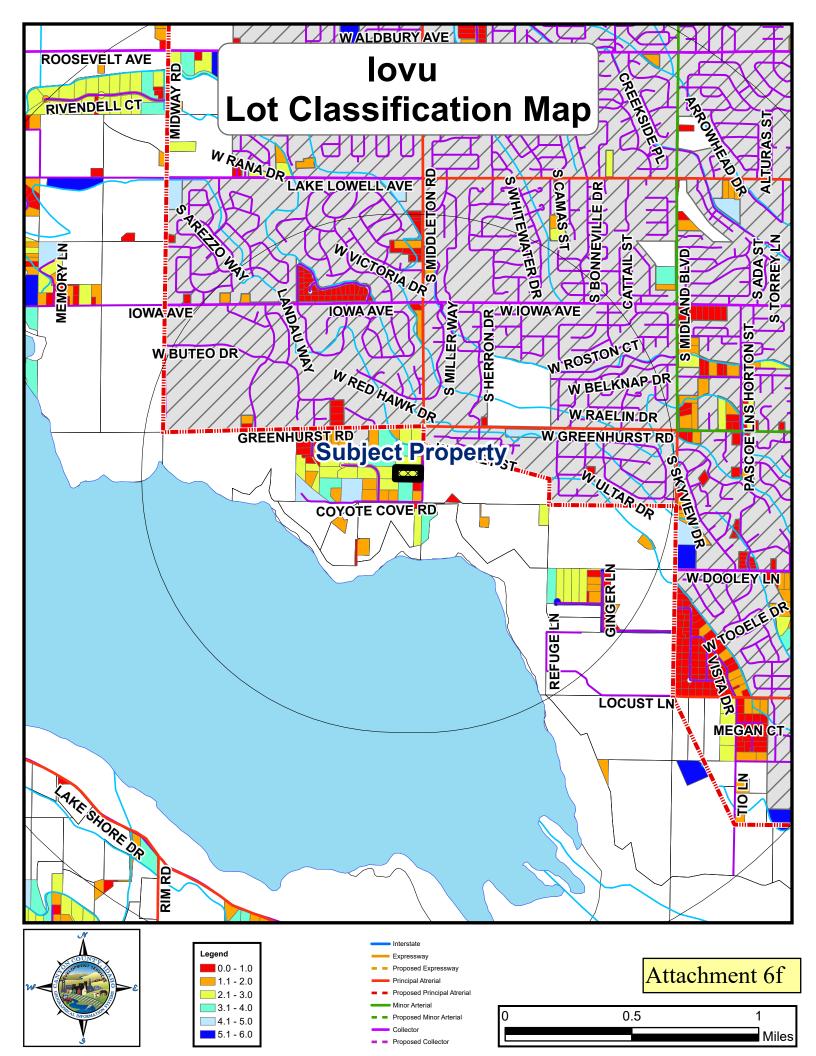
NUMBER OF SUBS	ACRES IN SUB				
NOMBER OF SUBS		NUMBER OF LOTS	AVERAGE LOT SIZE		
73	1012.25	2808	0.36		
NUMBER OF SUBS IN PLATTING	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE		
3	28.86	130	0.22		
NUMBER OF LOTS NOTIFIED	AVERAGE	MEDIAN	MINIMUM	MAXIMUM	
33	5.07	1.99	0.07	52.57	
NUMBER OF MOBILE HOME PARKS	ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE	MAXIMUM	-

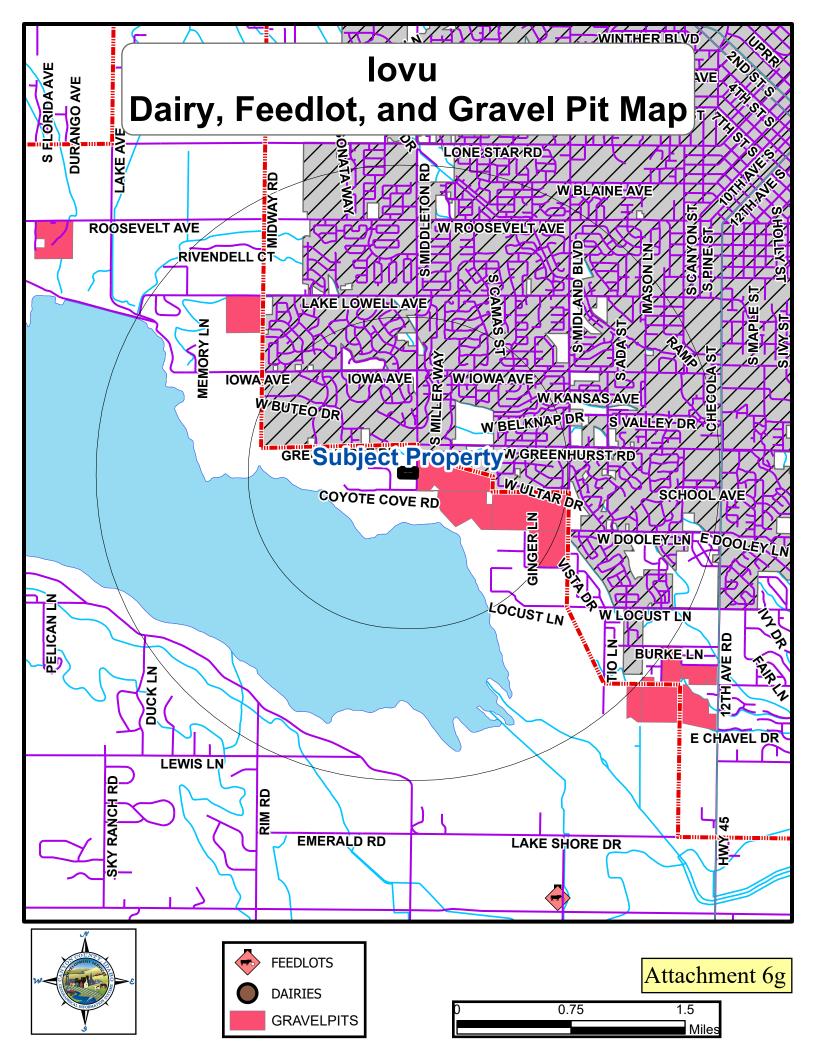
PLATTED SUBDIVISIONS									
SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF	Year		
FALL RIVER ESTATES #5	1	3N2W32	19.84	54	0.37	NAMPA (CITY)	2000		
MILLER CROSSING	2	3N2W32	14.12	53	0.27	NAMPA (CITY)	200		
OWYHEE ESTATES #2	3	3N2W32	8.18	32	0.26	NAMPA (CITY)	200		
VERDE HILLS SUB	4	3N2W31	18.24	34	0.54	COUNTY (Canyon)	197		
SUNRISE CROSSING	5	3N2W31	12.39	41	0.30	NAMPA (CITY)	200		
CARRIAGE HILL #1	6	3N2W31	24.16	42	0.58	NAMPA (CITY)	199		
CARRIAGE HILL #2	7	3N2W31	15.58	25	0.62	NAMPA (CITY)	200		
SPRING VALLEY SUB	8	3N2W32	10.27	25	0.41	NAMPA (CITY)	200		
VICTORY SUB #5	9	3N2W32	9.62	31	0.31	NAMPA (CITY)	199		
WILLOW CREEK SUB-NA	10	3N2W32	27.26	107	0.25	NAMPA (CITY)	199		
FALL RIVER ESTATES #4	11	3N2W32	27.43	88	0.31	NAMPA (CITY)	200		
MIDLAND PARK #4	12	3N2W32	14.13	31	0.46	NAMPA (CITY)	200		
FALL RIVER ESTATES	13	3N2W32	19.07	59	0.32	NAMPA (CITY)	200		
OWYHEE ESTATES #1	14	3N2W32	10.28	39	0.26	NAMPA (CITY)	200		
MIDLAND PARK #5	15	3N2W32	13.43	55	0.24	NAMPA (CITY)	200		
MIDLAND PARK #3	16	3N2W32	13.41	46	0.29	NAMPA (CITY)	2000		
MIDLAND PARK #6	17	3N2W32	12.40	44	0.28	NAMPA (CITY)	2002		
VICTORY SUB #4	18	3N2W32	8.45	35	0.24	NAMPA (CITY)	1997		
VICTORY SUB #6	19	3N2W32	11.22	42	0.27	NAMPA (CITY)	1998		
OWYHEE ESTATES #3	20	3N2W32	13.03	51	0.26	NAMPA (CITY)	2005		
CARRIAGE HILL #3A	21	3N2W31	10.05	26	0.39	NAMPA (CITY)	200		
CARRIAGE HILL #3B	22	3N2W31	10.19	28	0.36	NAMPA (CITY)	2005		
COYOTE COVE #2	23	2N2W06	45.80	18	2.54	COUNTY (Canvon)	2000		
COYOTE COVE #3	24	2N2W06	7.92	4	1.98	COUNTY (Canyon)	2004		
EAST LAKE ESTATES	25	2N2W05	27.76	18	1.54	COUNTY (Canyon)	1980		
FALL RIVER ESTATES #3	26	3N2W32	17.28	50	0.35	NAMPA (CITY)	2005		
FALL RIVER ESTATES #2	27	3N2W32	12.81	43	0.30	NAMPA (CITY)	2004		
LYNACREST ESTATES	28	2N2W06	11.72	11	1.07	COUNTY (Canyon)	197		
MIDLAND PARK #2	29	3N2W32	10.97	40	0.27	NAMPA (CITY)	1999		
CARRIAGE HILL #4	30	3N2W31	17.78	53	0.27	NAMPA (CITY)	200		
HERRON SPRINGS #2	31	2N2W05	13.50	49	0.34	NAMPA (CITY)	200		
HERRON SPRINGS #2	32	3N2W32	17.96	61	0.29	NAMPA (CITY)	2006		
ROYAL RIDGE SUBDIVISION	33	2N2W06	7.02	19	0.29	NAMPA (CITY)	2006		
NORTH SLOPE AT HUNTERS POINT SUB	34	3N2W31	10.03	37	0.37	NAMPA (CITY)	2006		
PATNODE SUBDIVISION	35 35	3N2W31 2N2W06	4.86	2	2.43	COUNTY (Canyon)	2006		
SANDS POINTE #1	36	3N2W32	9.42	32	0.29	NAMPA (CITY)	2007		
SANDS POINTE #1 SANDS POINTE #2	37	3N2W32 3N2W32	9.42 15.72	59	0.29	NAMPA (CITY)	2007		
SANDS POINTE #3	38	3N2W32	9.98	37 7	0.27	NAMPA (CITY)	2007		
FALL RIVER SOUTH SUBDIVISION	39	3N2W32	4.64		0.66	NAMPA (CITY)	202		
LAKESIDE SUB	40	2N2W05	13.48	5	2.70	COUNTY (Canyon)	2005		
CARRIAGE HILL NORTH SUB NO 1	41	3N2W31	17.90	39	0.46	NAMPA (CITY)	201		
SANDS POINTE SUBDIVISION #4	42	3N2W32	2.10	10	0.21	NAMPA	2013		
SANDS POINTE SUBDIVISION # 7	43	3N2W32	6.38	26	0.25	NAMPA	2013		
SANDS POINTE SUBDIVISION # 5	44	3N2W32	6.52	27	0.24	NAMPA	201		
SANDS POINTE #6	45	3N2W32	4.08	15	0.27	NAMPA	201		
SANDS POINTE SUBDIVISION # 8	46	3N2W32	19.64	74	0.27	NAMPA	201		
CARRIAGE HILL NORTH SUB NO 3	47	3N2W31	16.46	35	0.47	NAMPA (CITY)	201		
RED HAWK RIDGE SUBDIVISION NO. 2	48	3N2W31	18.18	51	0.36	NAMPA (CITY)	201		
RED HAWK RIDGE SUBDIVISION #3	49	3N2W31	14.21	51	0.28	NAMPA (CITY)	201		
CARRIAGE HILL NORTH SUBDIVISION NO. 5	50	3N2W31	12.81	26	0.49	NAMPA (CITY)	201		
RED HAWK RIDGE SUBDIVISION # 4	51	3N2W31	8.92	39	0.23	NAMPA (CITY)	201		
RED HAWK RIDGE SUBDIVISION # 1B	52	3N2W31	6.45	24	0.27	NAMPA (CITY)	201		
RED HAWK RIDGE SUBDIVISION #1A	53	3N2W31	1.10	5	0.22	NAMPA (CITY)	201		

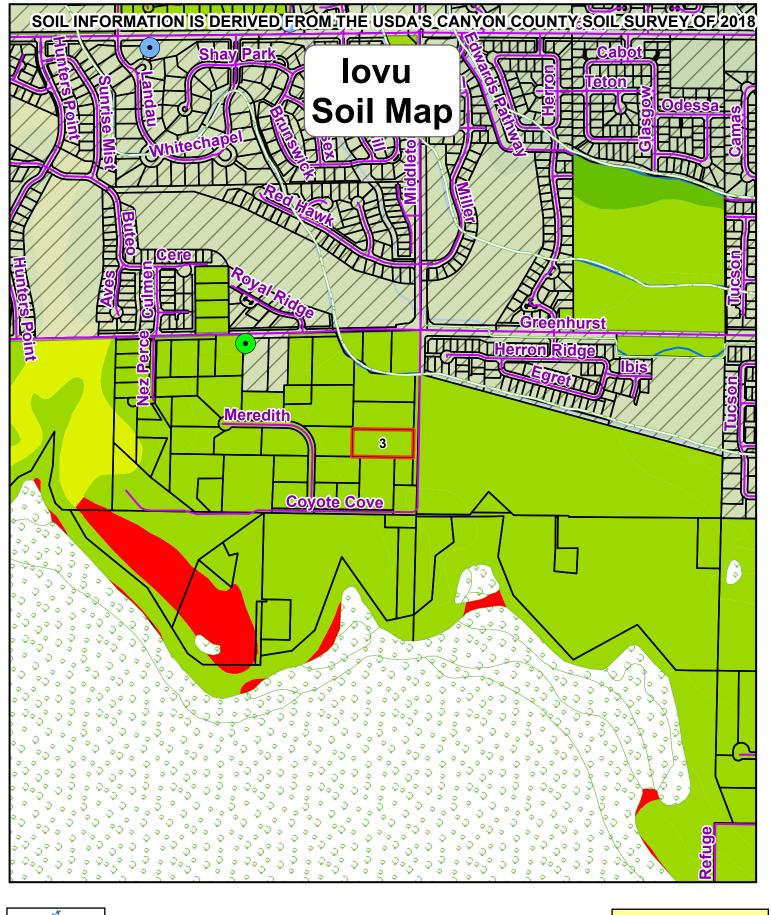
RED HAWK RIDGE PARK SUBDIVISION	54	3N2W31	3.56	2	1.78	NAMPA (CITY)	2017
CARRIAGE HILL NORTH SUB NO 6	55	3N2W31	18.46	48	0.38	NAMPA (CITY)	2018
RED HAWK RIDGE SUBDIVISION # 5	56	3N2W31	9.09	36	0.25	NAMPA (CITY)	2018
RED HAWK RIDGE DOG PARK SUBDIVISION	57	3N2W31	2.41	2	1.21	NAMPA (CITY)	2019
CARRIAGE HILL NORTH SUB NO 2	58	3N2W31	13.29	0	#DIV/0!	NAMPA (CITY)	2014
CARRIAGE HILL NORTH SUBDIVISION NO. 4	59	3N2W31	28.01	78	0.36	NAMPA (CITY)	2016
CARRIAGE HILL NORTH SUBDIVISION NO. 7	60	3N2W31	5.89	12	0.49	NAMPA (CITY)	2019
SUMMIT RIDGE SUBDIVISION NO. 1	61	2N2W01	21.20	65	0.33	NAMPA	2019
CARRIAGE HOLLOW SUBDIVISION	62	3N2W31	9.06	26	0.35	NAMPA (CITY)	2019
SUMMIT RIDGE SUBDIVISION NO. 2	63	2N2W05	9.27	33	0.28	NAMPA	2020
SUMMIT RIDGE SUBDIVISION NO. 3	64	2N2W05	16.26	25	0.65	NAMPA	2020
CARRIAGE HILL WEST SUBDIVISION NO. 4	65	3N2W31	19.78	60	0.33	NAMPA (CITY)	2020
FALL RIVER WEST SUBDIVISION	66	3N2W32	22.55	57	0.40	NAMPA (CITY)	2008
RED HAWK RIDGE SUBDIVISION NO. 6	67	3N2W31	4.18	20	0.21	NAMPA (CITY)	2021
SUMMIT RIDGE SUBDIVISION NO. 4	68	2N2W05	21.41	66	0.32	NAMPA	2021
HERON RIDGE SUBDIVISION NO. 1	69	2N2W05	12.91	47	0.27	NAMPA	2021
CARRIAGE HILL WEST SUBDIVISION NO. 3	70	3N2W31	25.03	77	0.33	NAMPA (CITY)	2020
CARRIAGE HILL WEST SUBDIVISION NO. 6	71	3N2W31	22.97	85	0.27	NAMPA (CITY)	2021
SUMMIT RIDGE SUBDIVISION NO. 5	72	2N2W05	20.38	73	0.28	NAMPA	2022
HERON RIDGE SUBDIVISION NO. 2	73	2N2W05	10.39	41	0.25	NAMPA	2022

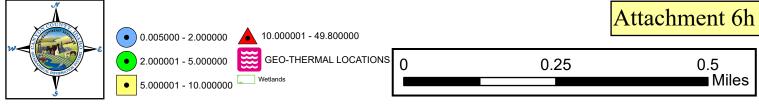
SUBDIVISIONS IN PLATTING										
SUBDIVISION NAME ACRES NO. OF LOTS AVERAGE LOT SIZE										
Spyglass Ridge	8.84	56	0.16							
Steven's Place	6.24	23	0.27							
Heron Ridge No. 3	13.78	51	0.27							

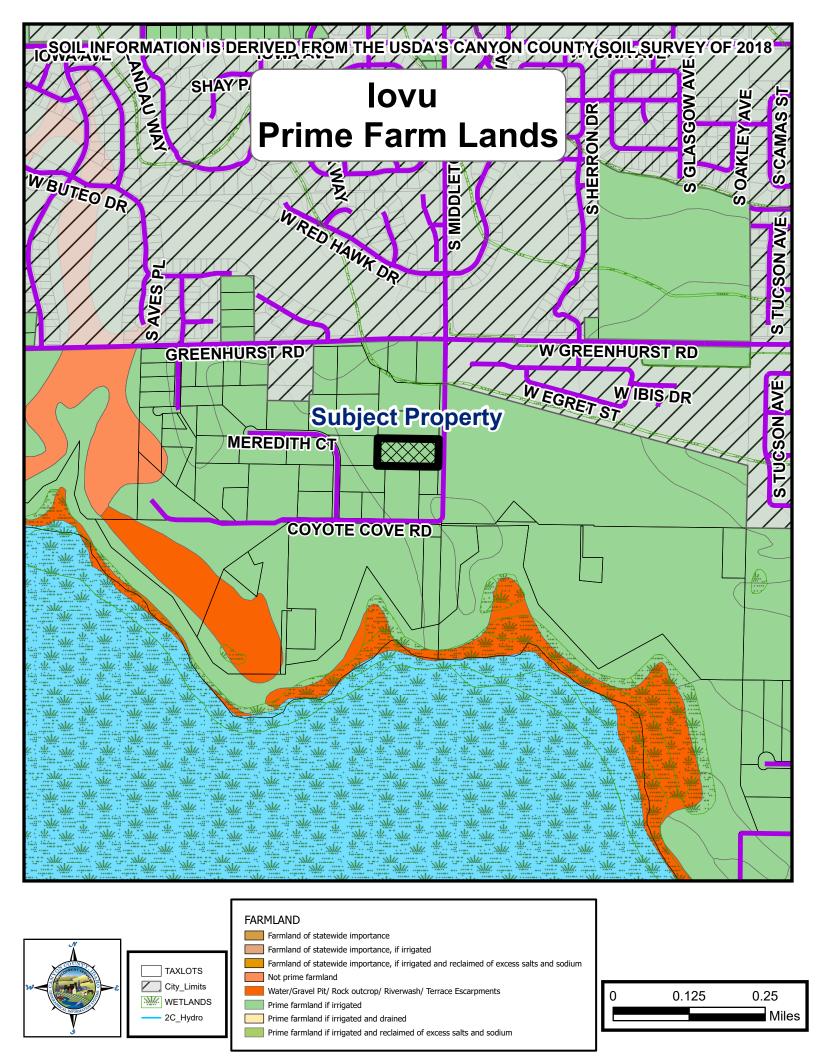
	MOBILE HO	OME & R	V PARKS			
SUBDIVISION NAME	SITE ADDRESS	ACRES	NO. OF SPACES	UNITS PER ACRE	CITY OF	







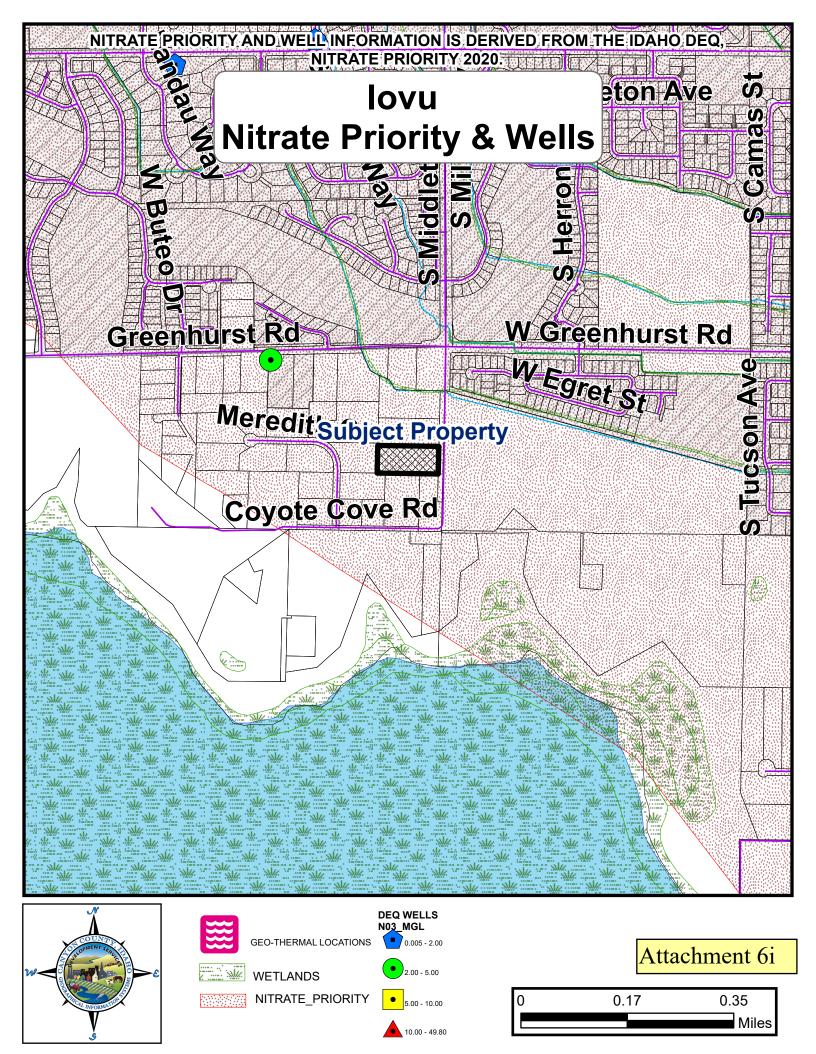




	SOIL REI	PORT		
SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
3	MODERATELY SUITED SOIL	127195.20	2.92	100.00%
		127195.20	2.92	100%

FARMLAND REPORT				
FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE	
Prime farmland if irrigated	127195.20	2.92	100.00%	
	127195.20	2.92	100%	
	FARMLAND TYPE	FARMLAND TYPE SQUARE FOOTAGE Prime farmland if irrigated 127195.20	FARMLAND TYPE SQUARE FOOTAGE ACREAGE Prime farmland if irrigated 127195.20 2.92	

SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018





LAND SPLIT APPLICATION

NHD-003 Rev Jan 2015 Page 1 of 1

SECTION 1 - APPLICANT INFORMATION (TO BE CO	OMPLETED BY APPLICANT)
I certify that I am the owner (or authorized repr	esentative of owner) of the property proposed to be split.
VIRGIL IOVU	to
NAME OF APPLICANT	SIGNATURE OF APPLICANT
2505 S. MIDDLETON	RB 2-01-2023
ADDRESS A/A M.DA	DATE 2011 72 //
CITY STATE 71	208 - 204 - 73 // PHONE (CELL NUMBER PREFERRED)
ROAD NAME: SIMINALETON RA	BETWEEN OFF Greenhourst
TOTAL TOTAL STATE OF THE STATE	FIRST CROSS STREET SECOND CROSS STREET
SIDE OF ROAD: TOTAL NUMBER OF:	PLATTED SUBDIVISION?
□ North □ South New Lots:	No (attach sketch of proposed land split)
☐ East ☐ West New Access Points	: Yes (submit Conceptual Plan prepared by an Engineer)
SECTION II – WORKSHEET/RECOMMENDATION	(TO RE COMPLETED BY HIGHWAY DISTRICT)
APPLICATION FEE: ☐ Paid ☐ Not Paid Chtto	a i frank
20.1	
ROAD NO. 2/8/4	SIGHT DISTANCE: 🗵 Sufficient 🗆 Insufficient
ROAD SURFACE: 🔼 Asphalt 🔲 Gravel 🔲 Dirt	TRAFFIC VOLUME: <u>301</u> ADT
SHARED ACCESS: ☐ Yes Ø No	FUNCTIONAL CLASSIFICATION: Arterial
CULVERTS REQUIRED:	☐ Collector
• •	Other
MEETS ACCESS CONTROL STANDARDS?: Yes	7 WINDERSTONE
ADDITIONAL REMARKS/CONDITIONS: (IF NONE, SO	STATE) Meddy w Canyon Comity
New point of access me	ist Meet Current Spacing requirement
of 75. No circle dois	
required for new arro	58
7	
THIS LAND SPLIT IS:	
Recommended for approval, subject to the above conditions	want Thrif 2-1-23
□ Not recommended SIGN	NATURE – HIGHWAY DISTRICT OFFICIAL DATE

DATE





February 10, 2023

Madelyn Vanderveen
Canyon County Development Services
111 North 11th Ave., Ste. 310
Caldwell, ID 83605
Madelyn.vanderveen@canyoncounty.id.gov

Subject: CR2022-0032 - Virgil Iovu

Dear Ms. Vanderveen:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at: https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

1. AIR QUALITY

 Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).

For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality
permit to construct prior to the commencement of construction or modification of any
facility that will be a source of air pollution in quantities above established levels. DEQ
asks that cities and counties require a proposed facility to contact DEQ for an applicability
determination on their proposal to ensure they remain in compliance with the rules.

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

2. WASTEWATER AND RECYCLED WATER

 DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.

- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater
 and recycled water. Please review these rules to determine whether this or future
 projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding
 subsurface disposal of wastewater. Please review this rule to determine whether this or
 future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require
 preconstruction approval. Recycled water projects and subsurface disposal projects
 require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

3. DRINKING WATER

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: https://www.deq.idaho.gov/water-quality/drinking-water/. For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.
 - For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant
 Discharge Elimination System (IPDES) Permit. A Construction General Permit from DEQ
 may be required if this project will disturb one or more acres of land, or will disturb less
 than one acre of land but are part of a common plan of development or sale that will
 ultimately disturb one or more acres of land.
- For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.
- If this project is near a source of surface water, DEQ requests that projects incorporate
 construction best management practices (BMPs) to assist in the protection of Idaho's
 water resources. Additionally, please contact DEQ to identify BMP alternatives and to
 determine whether this project is in an area with Total Maximum Daily Load stormwater
 permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at: https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- Solid Waste. No trash or other solid waste shall be buried, burned, or otherwise disposed of
 at the project site. These disposal methods are regulated by various state regulations
 including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06),
 Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for
 the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are
 also defined in the Solid Waste Management Regulations and Standards
- Hazardous Waste. The types and number of requirements that must be complied with
 under the federal Resource Conservations and Recovery Act (RCRA) and the Idaho Rules and
 Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of
 waste generated. Every business in Idaho is required to track the volume of waste
 generated, determine whether each type of waste is hazardous, and ensure that all wastes
 are properly disposed of according to federal, state, and local requirements.

- Water Quality Standards. Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- Ground Water Contamination. DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Rebecca Blankenau, Waste & Remediation Manager, at (208) 373-0550.

6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/ for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the
 following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal
 facilities, composted waste, and ponds. Please contact DEQ for more information on any of
 these conditions.

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,

Aaron Scheff

Regional Administrator

c:

2021AEK

Madelyn Vander Veen

From: Doug Critchfield <critchfield@cityofnampa.us>

Sent: Monday, February 13, 2023 8:41 AM

To: Madelyn Vander Veen
Cc: Rodney Ashby; Caleb Laclair

Subject: [External] RE: [External]Legal Notice lovu/CR2022-0032

Madelyn – The property is not within the Nampa Area of City Impact. Nampa Planning and Zoning has no comment. Doug

From: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>

Sent: Friday, February 10, 2023 1:25 PM

To: '3tjj@frontiernet.net' <3tjj@frontiernet.net>; Media - KBOI Radio News <670@kboi.com>; aburton@caldwellschools.org' <aburton@caldwellschools.org>; Addressing <Addressing@cityofnampa.us>; admin1@kunalibrary.org' <admin1@kunalibrary.org>; 'admin2@kunalibrary.org' <admin2@kunalibrary.org'; aflavel.bkirrdist@gmail.com' <aflavel.bkirrdist@gmail.com>; AJ Mondor <AJ.Mondor@canyoncounty.id.gov' alicep@cityofhomedale.org' <alicep@cityofhomedale.org>; 'ann_jacops@hotmail.com' <ann_jacops@hotmail.com'; aperry@cityofcaldwell.org' <aperry@cityofcaldwell.org>; Assessor Website <2cAsr@canyoncounty.id.gov>; 'Aubrie.hunt@dhw.idaho.gov' <Aubrie.hunt@dhw.idaho.gov>; Daniel Badger <BadgerD@cityofnampa.us>; 'BKINNEY@IDAHOPOWER.COM' <BKINNEY@IDAHOPOWER.COM>; 'bobw@gghd3.org' <bobw@gghd3.org>; 'brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; 'brentc@brownbuscompany.com' <brentc@brownbuscompany.com>; Brian Graves Kuna SD <bgraves@kunaschools.org>; brian.mccormack@melbafire.id.gov' <brian.mccormack@melbafire.id.gov'; 'brock.cornell@isda.idaho.gov'' <brock.cornell@isda.idaho.gov>; 'bryce@sawtoothlaw.com' <bryce@sawtoothlaw.com>; Canyon Highway District Land Division Livision <a href 'cdillon@usbr.gov' <cdillon@usbr.gov>; 'cenww-rd@usace.army.mil' <cenww-rd@usace.army.mil>; Char Tim <timc@cityofnampa.us>; 'CHOPPER@CANYONHD4.ORG' <CHOPPER@CANYONHD4.ORG>; City of Greenleaf <amy@civildynamics.net>; 'cityclerk@cityofmelba.org' <cityclerk@cityofmelba.org>; 'clerk@greenleaf-idaho.us' <clerk@greenleaf-idaho.us>; 'clittle@achdidaho.org' <clittle@achdidaho.org>; COMPASS <gis@compassidaho.org>; craigbrown@cwidaho.cc' <craigbrown@cwidaho.cc>; Doug Critchfield <critchfieldd@cityofnampa.us'; d3development.services@itd.idaho.gov' <d3development.services@itd.idaho.gov>; Dan Everhart' <dan.everhart@ishs.idaho.gov>; Danielle Horras (drhorras@kunaschools.org) <drhorras@kunaschools.org>; 'ddenney@homedaleschools.org' <ddenney@homedaleschools.org>; 'deb0815@yahoo.com' <deb0815@yahoo.com>; Destination Caldwell <info@destinationcaldwell.com>; 'dgeyer@cityofcaldwell.org' <dgeyer@cityofcaldwell.org>; 'dholzhey@marsingschools.org' <dholzhey@marsingschools.org>; Diana Little <Diana.Little@canyoncounty.id.gov>; 'djharrold@frontier.com' <djharrold@frontier.com>; dpopoff@rh2.com; 'eddy@heritagewifi.com' <eddy@heritagewifi.com>; Elections Clerk <electionsclerk@canyoncounty.id.gov>; 'facjhill@gmail.com' <facjhill@gmail.com>; 'farmerhouston@gmail.com' <farmerhouston@gmail.com>; 'farmers.union.ditch@gmail.com' <farmers.union.ditch@gmail.com>; 'fcdc1875@gmail.com' <fcdc1875@gmail.com>; 'GMPRDJENNIFER@GMAIL.COM' <GMPRDJENNIFER@GMAIL.COM>; 'gtiminsky@starfirerescue.org' <gtiminsky@starfirerescue.org>; 'gwatkins@nphd.net' <gwatkins@nphd.net>; Homedale Fire District <homedalefd@gmail.com>; horner.marci@westada.org' <horner.marci@westada.org>; Joe Huff <huffj@cityofnampa.us>; ID Agricultural Aviation' Assn <idahoaaa@gmail.com>; 'IDL jurisdictional@idl.idaho.gov' <IDL jurisdictional@idl.idaho.gov>; 'info@parmacityid.org' <info@parmacityid.org>; 'info@snakerivercanyonscenicbyway.org' <info@snakerivercanyonscenicbyway.org>; 'irr.water.3@gmail.com' <irr.water.3@gmail.com>; 'irrigation.mm.mi@gmail.com' <irrigation.mm.mi@gmail.com>; ITD Division of Aeronautics <airport.planning@itd.idaho.gov>; 'ITDD3PERMITS@ITD.IDAHO.GOV' <ITDD3PERMITS@ITD.IDAHO.GOV>; jdillon@wilderschools.org' <jdillon@wilderschools.org>; 'jenny.titus@vallivue.org' <jenny.titus@vallivue.org'; igreen@marsingcity.com' <igreen@marsingcity.com>; 'jlucas@achdidaho.org' <jlucas@achdidaho.org';

Madelyn Vander Veen

From: Niki Benyakhlef < Niki.Benyakhlef@itd.idaho.gov>

Sent: Monday, February 13, 2023 10:43 AM

To: Madelyn Vander Veen

Cc: Bonnie Puleo

Subject: [External] RE: Legal Notice lovu/CR2022-0032

Good Morning, Madelyn.

After careful review of the transmittal submitted to ITD on February 10, 2023 regarding lovu/CR2022-0032, the Department has no comments or concerns to make at this time. This conditional Rezone to a Single Family Residential does not impact the state highway system.

Please let me know if you have any questions or concerns.

Thank you,



Niki Benyakhlef Development Services Coordinator

District 3 Development Services
O: 208.334.8337 | C: 208.296.9750
Email: niki.benyakhlef@itd.idaho.gov
Website: itd.idaho.gov

From: Bonnie Puleo <Bonnie.Puleo@canyoncounty.id.gov>

Sent: Friday, February 10, 2023 1:25 PM

To: '3tjj@frontiernet.net' <3tjj@frontiernet.net>; '670@kboi.com' <670@kboi.com>; 'aburton@caldwellschools.org' <aburton@caldwellschools.org>; 'addressing@cityofnampa.us' <addressing@cityofnampa.us>; admin1@kunalibrary.org' <admin1@kunalibrary.org>; admin2@kunalibrary.org' <admin2@kunalibrary.org'; aflavel.bkirrdist@gmail.com' <aflavel.bkirrdist@gmail.com>; AJ Mondor <AJ.Mondor@canyoncounty.id.gov' alicep@cityofhomedale.org' <alicep@cityofhomedale.org>; 'ann_jacops@hotmail.com' <ann_jacops@hotmail.com'; aperry@cityofcaldwell.org' <aperry@cityofcaldwell.org>; Assessor Website <2cAsr@canyoncounty.id.gov' 'Aubrie.hunt@dhw.idaho.gov' <Aubrie.hunt@dhw.idaho.gov>; 'badgerd@cityofnampa.us' <badgerd@cityofnampa.us>; 'BKINNEY@IDAHOPOWER.COM' <BKINNEY@IDAHOPOWER.COM>; 'bobw@gghd3.org' <bobw@gghd3.org>; brandy.walker@centurylink.com' <brandy.walker@centurylink.com>; brentc@brownbuscompany.com' <brentc@brownbuscompany.com>; Brian Graves Kuna SD <bgraves@kunaschools.org>; brian.mccormack@melbafire.id.gov' <brian.mccormack@melbafire.id.gov'; 'brock.cornell@isda.idaho.gov'' <brock.cornell@isda.idaho.gov>; 'bryce@sawtoothlaw.com' <bryce@sawtoothlaw.com>; Canyon Highway District Land Division < Iriccio@canyonhd4.org>; 'CARL@BLACKCANYONIRRIGATION.COM' < CARL@BLACKCANYONIRRIGATION.COM>; cdillon@usbr.gov' <cdillon@usbr.gov>; 'cenww-rd@usace.army.mil' <cenww-rd@usace.army.mil>; Char Tim' <timc@cityofnampa.us>; 'CHOPPER@CANYONHD4.ORG' <CHOPPER@CANYONHD4.ORG>; City of Greenleaf <amy@civildynamics.net>; 'cityclerk@cityofmelba.org' <cityclerk@cityofmelba.org>; 'clerk@greenleaf-idaho.us' <clerk@greenleaf-idaho.us>; 'clittle@achdidaho.org' <clittle@achdidaho.org>; COMPASS <gis@compassidaho.org>; craigbrown@cwidaho.cc' <craigbrown@cwidaho.cc>; 'critchfieldd@cityofnampa.us' <critchfieldd@cityofnampa.us' / Development Services <D3Development.Services@itd.idaho.gov>; Dan Everhart <dan.everhart@ishs.idaho.gov>; Danielle Horras (drhorras@kunaschools.org) <drhorras@kunaschools.org>; 'ddenney@homedaleschools.org'

CANYON SOIL CONSERVATION DISTRICT



2208 E. Chicago, Suite A Caldwell, ID 83605 Phone 208-779-3443 Fax 1-877-504-6752

SUPERVISORS: Mike Swartz, Chairman; Robert McKellip Vice Chairman;

Dave Dixon, Secretary/Treasurer; Mike Somerville, Supervisor; & Rex Runkle, Supervisor

ASSOCIATE SUPERVISORS: Tom Johnston, Rich Sims & Matt Livengood

SOIL CONSERVATION DISTRICT STAFF: Lori Kent; Administrative. Assistant & Stan Haye, Soil Conservation Technician

March 13, 2023

To: Dan Lister Planner of Record Canyon County Development Services

From: Canyon Soil Conservation District (Canyon SCD)

Subject: Notification to Canyon pursuant to the local use Planning Act

Thank you for sending Canyon Soil Conservation District (SCD) several zoning requests.

They are: CR2023-0003/Pruett, CR2022-0027 &SD2022-0043/Dave Hess, CR2022-0029/Gross Trust, RZ2021-0056 & SD2021-0059/Ardurra, CR2022-0025/ Molenaar-Schram, CR2022-0003/LWD Development Inc., CR2021-0006 & SD2021-0032/Dembi EStates Subdivision, CR2022-0032/Virgil Iovu, OR2022-0010 & CR2022-0031/Werhane

Comments from Canyon County SCD:

The acreage amounts on the maps are an estimate. Percentages of soils are rounded to a whole number.

CR2023-0003/Pruett- 100% of the soils are class III. Class III have moderate limitations and appropriate management practices can make any irrigated soil productive. We do NOT recommend a land use change.

CR2022-0027 &SD2022-0043/Dave Hess- Appropriate aerial photography was not provided with the zoning request. In order for Soil Conservation District to perform our responsibility it is your responsibility to provide the aerial photography. If you provide the map we will respond with our recommendation.

CR2022-0029/Gross Trust- 81% of the soils are class II and 12% are class III and 4% are class IV. Class II are best suited productive soils in Canyon County with few limitations. Class III have moderate limitations and

All programs and services of the Canyon Soil Conservation District are offered on a nondiscriminatory basis without regard to race, color, national origin, religion, sex, age, disability, marital or familial status, and political beliefs.

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SOIL CONSERVATION DISTRICT STAFF: Lori Kent; Administrative. Assistant & Stan Haye, Soil Conservation Technician

appropriate management practices can make any irrigated soil productive. We do NOT recommend a land use change.

RZ2021-0056 & SD2021-0059/Ardurra-54% of the soils are Class III, 31% are Class IV and 13% are Class VI and 2% water. Class III have moderate limitations and appropriate management practices can make any irrigated soil productive. We do NOT recommend a land use change.

CR2022-0025/ Molenaar-Schram-80% are Class III soils, 10% class IV soils, 2% Class VI and 8% with no Classification. Class III have moderate limitations and appropriate management practices can make any irrigated soil productive. We do NOT recommend a land use change.

CR2022-0003/LWD Development Inc.-Soil Conservation District has no comments.

CR2021-0006 & SD2021-0032/Dembi Estates Subdivision-35% are Class II soils and 65% are Class III. Class II are best suited productive soils in Canyon County with few limitations. Class III have moderate limitations and appropriate management practices can make any irrigated soil productive. We do NOT recommend a land use change.

CR2022-0032/Virgil Iovu-Soil Conservation District has no comments.

OR2022-0010 & CR2022-0031/Werhane-Soil Conservation District has no comments.

Continued Partnership and Conservation.

Sincerely,

Mike Swartz, Canyon SCD Chairman

All programs and services of the Canyon Soil Conservation District are offered on a nondiscriminatory basis without regard to race, color, national origin, religion, sex, age, disability, marital or familial status, and political beliefs.



ADMINISTRATIVE OFFICE 9 – 12th Avenue South Nampa, ID 83651

p 208.468.5770 f 208.468.5780

DATE: December 29, 2022

TO: Canyon County Development Services Department

FROM: Ron Johnson, Nampa Fire District, Fire Marshal

APPLICANT: Claudia Frent

OWNER: Virgil Iovu

ADDRESS: 2505 S Middleton Rd. Nampa, ID

RE: CRR2022-032

This application is for a conditional rezone from R-R to CR-R-1 with a development agreement limiting the divisions of the property.

The Nampa Fire District would provide this development with emergency services and does not have a negative impact on Nampa Fire District. Nampa Fire District does not oppose the application subject to compliance with all the following code requirements and conditions of approval.

Conditions:

- 1. Fire hydrants, capable of producing the required fire flow, shall be located along approved fire lanes. Fire hydrant spacing shall meet the requirements of IFC table C105.1.1 (IFC 507.3, IFC B105.2, IFC C105). There is an existing City fire hydrant about 600 feet to the north. This hydrant may be sufficient for this development depending on location and size of the new structure.
- Dead-end fire apparatus access roads exceeding 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus. (IFC 503.2.5)
- 3. Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. (IFC 503.1.1)
- 4. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. (IFC 503.2.1)
- 5. The minimum outside turning radius of a fire apparatus access road shall be 48 feet. The minimum inside turning radius shall be 28 feet. (IFC 503.2.4)
- 6. Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface and can support the imposed load of



ADMINISTRATIVE OFFICE 9 – 12th Avenue South Nampa, ID 83651

p 208.468.5770 f 208.468.5780

fire apparatus weighing at least 75,000 pounds. Please provide documentation the road surface meets this standard. (IFC D102.1)

7. Fire apparatus access roads shall not exceed 10 percent in grade. (IFC D103.2)

Emergency Response Time Analysis and Service Impact:

1. The City of Nampa 2040 comprehensive plan states the response objective for Nampa Fire Department is to arrive to 90% of emergency medical incidents within 5 minutes of the alarm time, and within 5 minutes and 20 seconds to fire incidents. To accomplish these response time objectives requires that travel distances be approximately 1 ½ miles from the nearest fire station. This development is located approximately 2.8 miles from Nampa Fire Station 2 with an approximate response time of 8 minutes. Nampa Fire Station 6 will be opening in August 2023 and will provide response times of approximately 6 minutes to this location.

General Requirement:

Fire Department required fire hydrants, access, and street identification shall be installed prior to construction or storage of combustible materials on site. Provisions may be made for temporary access and identification measures.

Specific building construction requirements of the International Building Code, International Fire Code and City of Nampa Code will apply. However, these provisions are best addressed by a licensed Architect at time of building permit application.

Coyote Cove No.

A PORTION OF GOVERNMENT LOT 1 AND GOVERNMENT LOT 2 OF SECTION 6 TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE MERIDIAN

CANYON COUNTY, IDAHO 2000 BASIS OF BEARING N 87'57'00" E 2644.63 Road right-of-way-31 32 & Greenhurst Rd. to be dedicated 6 5 N 87*57'00" E 798.08 740.00 -22' United States Thacker Lateral Easement UNPLATTED

Envelope

2.08 Ac

N 1/4 Corner Section 6 1106.55 GOV'T. LOT 2 2.98 Ac. LYNACREST ESTATES SUBDIVISION Set 5/8"ø by 30" long rebar BOOK 13, PAGE 7 89'33'49" E 393.27 and yellow plastic cap 3.23 Ac. L_L31 BLOCK 1 2.80 Ac 5 89'54'51' 3 20 40 S 8843'55' 3.93 Ac 529.99 239.02 14 2.14 Ac. Building 83.

41'x125' Storm

Building Envelope

135.01

295 60

1.57 Ac.

41'x125' Storm Relantion Pit

89°55 38" w

N 89'54'51" W 364.12

to be dedicated

- Road right-of-way

BLOCK 1

	LINE TA	BLE	
INE	LENGTH	BEARING	COYOTE COVE SUBDIVISION NO. 1
L1	179.20	S 23'34'44" E	BOOK 27, PAGE 33
L2	122.17	S 67"10'30" E	
L3	45.64	S 29"15'05" E	
L4	200.00	N 89*54'51" W	
L5	242.20	N 0'36'26" E	
L6	219.71	N 87*24'14" E	
rei	219.71	N 8/2414 E	

N 0'46'21"

N 87*56'17" E N 87*57'00" E

S 89°26'35" E N 89°54'51" W

S 0'36'26" W

N 89*54'51" W

N 89'54'51" W

N 1°35'01" E

N 0'36'26" E

S 1'35'01" W N 56'00'52" E

N 89'54'51" W

N 89*54'51" W

N 88'55'11" I

N 88'55'11"

S 0'26'00" W

S 23'34'44" E

S 23'34'44" E

S 6710'30" E

S 23°34'44" S 45'22'37"

S 29"15'07" S 58'51'37" E

5 88'28'04"

\$ 88'28'05"

S 67'10'31" E S 48'12'43" E

S 87'57'00" W

S 89'26'35" E

S 6710'30" E

N 0'26'11

S 0'36'26" W S 0'26'00" W

40.00

40.00 30.00

30.00

40.0

47.4

145.75

113.26 30.84 75.10

46.73 74.68

30.20 165.4

238.92

40.0

43.00

136.20

51.58

70.58

143.3

45.64 62.26 12.99 157.48

209.6

Envelope

N 89*54'51" W 900.00

N 87°54'19" E

2792.03

36 | 31

1 6

NOTE:

- 1. This Development recognizes Section 22-4503, Idaho Code, Right to Farm, which states: "No agricultural operation or any appurtenance to it shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after the same has been in operation for more than one (1) year, when the operation was not a nuisance at the time the operation began; provided that the provisions of this section shall not apply whenever a nuisance results from the improper or negligent operation of any agricultural operation or any appurtenance to it.
- 2. Two (2) gravel pits are in operation in the area. This may result in noise, odors, and dust. It may involve lights, use of machinery, or truck traffic during the day and in the nighttime hours and other inconveniences. The deed conveying title will contain a restriction that will prohibit challenging these operations if they are lawfully conducted.
- 3. With the exception of lot line adjustments, there shall be no re-subdivision of any lot within this development unless annexation into the city, or rezoning by any agency with jurisdiction, occurs.
- 4. Greenhurst Road right-of-way, Middleton Road right-of-way, and Coyote Cove Road right-of-way are dedicated as public road right-of-way. Meredith Court is private and shall be maintained by a homeowners' association.

		CUF	RVE TABLE		
CURVE	RADIUS	DELTA	LENGTH	CHORD	BEARING
C1	90.00	43* 35' 32"	68.48	66.84	S 45°22'31" E
C2	75.00	37" 55' 22"	49.64	48.74	S 4812'49" E
C3	45.00	59" 13" 20"	46.51	44,47	S 58'51'35" E
C1	20.00	51* 19' 04"	17.91	17.32	S 64'25'37" W
C5	190.00	90" 31" 17"	300.18	269.92	N 44'39'12" W
C6	20.00	51" 19" 04"	17.91	17.32	S 64'15'19" E
C7	250.00	58' 05' 11"	253.45	242.74	N 28'26'10" W
C8	250.00	32' 26' 06"	141.52	139.64	N 73'41'48" W
C9	220.00	90" 31" 17"	347.58	312.54	N 44'39'12" W
C10	60.00	51" 19" 04"	53,74	51.96	N 64'25'37" E
C11	60.00	60'00'00"	62.83	60.00	S59'54'51"E
C12	60.00	81' 00' 22"	84.83	77.94	S 10'35'20" W
C13	60.00	90' 18' 43"	94.57	85.08	N 83'45'08" W

POINT OF BEGINNING

Road right-of-way

to be dedicated

2.92 Ac. Envelope 89'54'51"

BLOCK 1

0.89 Ac

160.00

L4

1/16 Corner Section 6/5

529.99

292 40

N 89'54'51" W 690.00

LOT

Coyote Cove Rd. (Existing) -

890.00

UNPLATTED

Scale: 1

LEGEND

- ALUMINUM CAP MONUMENT − FOUND
- BRASS CAP MONUMENT FOUND
- 5/8" x 30" REBAR − SET
- o 1/2" RERAR FOUND
- 1/2" x 24" REBAR SET
- A RAIL ROAD SPIKE FOUND
- · PK NAIL & BRASS WASHER
- CALCULATED POINT

12 FT, WIDE PEDESTRIAN AND EQUESTRIAN PATH EASEMENT - PROPERTY BOUNDARY LINE

W.C. WITNESS CORNER

() DATA OF RECORD

Utility, drainage and irrigation easement. Unless otherwise noted widths shall be:

- 10 feet along street frontage
- 10 feet on each side of back lot lines
- 5 feet on each side of interior lot lines If a lot line is moved the easement(s) shall move with the lot line, provided that utilities have not been installed within the easement(s).



DATE OF PREPARATION May 22, 2000

Skinner Land Survey Co. Inc.

> 1904 E. Chicago, Suite C Caldwell, Id. 83605 (208)-454-0933 DE039901

Sheet 1 of 2

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OWNERS' CERTIFICATE

We, David A. Martin and Anne Martin, husband and wife, and Davidson Trust Co., Trustee of Medical Center Physicians Group Profit Sharing Plan fbo David Martin, M.D., CERTIFICATE OF COUNTY TREASURER say we are the owners of Coyote Cove No. 2 more particularly described in the legal description below, state that it is our intention to include said property in this subdivision plat, and that we do for ourselves, our heirs, transferees, successors and assigns; hereby dedicate, donate and convey to the public forever the streets shown on this plat. The easements shown on this plat are intended for the right and purpose set forth and no structures other than those for Utility, Irrigation or Drainage purposes are to be erected within limits of the easements. Also, we hereby certify that this subdivision is in compliance with paragraph 1, section 50-1334 of the Idaho Code.

A portion of Government Lot 1 and Government Lot 2 of Section 6, Township 2 North, Range 2 West of the Boise Meridian and is more particularly described as follows:

COMMENCING at the portheast corner of said Government Lot 1:

thence South 0° 36' 26" West along the east boundary of said Government Lot 1 a distance of 387.00 feet to the TRUE POINT OF BEGINNING;

thence continuing South 0° 36' 26" West along said east boundary a distance of 963.04 feet;

thence North 89° 54' 51" West parallel with the south boundary of said Government Lot 1 o distance of 200.00 feet;

thence North 0° 36' 26" Fast parallel with the east boundary of said Government Lot 1 a distance of 242.20 feet;

thence North 89° 54' 51" West parallel with the south boundary of said Government Lot 1 a distance of 690.00 feet;

thence South 0' 36' 26" West parallel with the east boundary of said Government Lot 1 a distance of 500.00 feet to a point on the south boundary of said Government Lot 1;

thence North 89' 54' 51" West along said south boundary a distance of 364.12 feet;

thence North 1" 35' 01" East a distance of 500.00 feet;

thence North 89° 54' 51" West parallel with the south boundaries of said Government Lot 1 and said Government Lot 2 a distance of 900.00 feet to the northwest corner of Lot 1, Block 1 of Coyote Cove Subdivision No. 1;

thence North 0° 38° 56" East along the east boundary of Lot 6, Block 1, Lynacrest Estates (Book 13, Page 7) a distance of 497,37 feet to a point on the south boundary of Lot 4, Block 1 of said Lynacrest Estates:

thence traversing the boundary of said Lynacrest Estates as follows:

North 87" 24' 14" East a distance of 219.71 feet;

North 0° 46' 21" East a distance of 165.84 feet:

North 87° 56' 17" East a distance of 148.42 feet to the southeast corner of Lot 3, Block 1 of said Lynacrest Estates:

thence North 87° 57' 00" East parallel with the north boundary of said Government Lot 2 a distance of 240.00 feet;

thence North 0° 44' 56" East a distance of 362.68 feet to a point on the north boundary of said Government Lot 2;

thence North 87° 57' 00" East along said north boundary a distance of 798.08 feet to a point on the centerline of the Thacker Lateral:

thence traversing said centerline as follows:

South 23" 34' 44" East a distance of 179.20 feet to a point of curvature;

along the arc of a curve to the left 68.48 feet having a central angle of 43° 35' 32", a radius of 90.00 feet, and a long chord which bears South 45' 22' 31" East a distance of 66.84 feet;

South 67° 10' 30" East a distance of 122.17 feet to a point of curvature;

along the arc of a curve to the right 49.64 feet having a central angle of 37° 55' 22", a radius of 75.00 feet, and a long chord which bears. South 48' 12' 49" East a distance of

South 29° 15' 05" East a distance of 45.64 feet to a point of curvature;

along the arc of a curve to the left 46.51 feet having a central angle of 59° 13' 20", a radius of 45.00 feet, and a long chord which bears South 58° 51' 35" East a distance of

SOTARY

PUBLIC

ACKNOWLEDGEMENT

Be it remembered that on this 315th day of 1004 personally appeared David A. Martin and Anne Martin, husband and wife, who are known to me to be the owners of Coyote Cove No. 2 and that executed the above instrument.

In witness whereof, I have hereunto set my hand and not of the less !

day last above written.

Allus Maril Jours Notory Public for Jaho Residing at Caldwell, Canyon, Idaho Commission expires 10-08-2003

Covote Cove No. 2

I, Tracie Lloyd, County Treasurer in and for the County of Canyon, State of Idaho, per the requirements of I.C.50—1308, do hereby cert ify that any and all current and/or delinquent County Property Taxes for the property included in this proposed subdivision have been paid in full. 1997 THRU 2000. This certificate is valid for the next thirty (30) days only.

August 4, 2000

SURVEYOR'S CERTIFICATE

I, Greg L. Skinner, do hereby certify that I am a Professional Land Surveyor licensed by the State of Idaho, and that this plat of Coyote Cove No. 2 as described in the owners' certificate and the attached plat, was drawn from an actual survey made by me and accurately represents the points

I further certify that I made this survey under the direction of the owner thereof and that the survey is in conformity with the State of Idaho Codes relating to plats and subdivisions.



South 88' 28' 05" East a distance of 157.32 feet;

South 89' 26' 35" East a distance of 249.61 feet to the TRUE POINT OF REGINNING:

excepting therefrom the following described parcel:

COMMENCING at the northeast corner of said Government Lot 1:

thence South 87° 57' 00" West along the north boundary of said Government Lot 1 a distance of 937.60 feet;

thence South 0 26' 00" West a distance of 457.88 feet to the TRUE POINT OF BEGINNING:

thence South 0 26' 00" West a distance of 162.54 feet;

thence South 88° 13' 55" West a distance of 239.02 feet;

thence North 0 26' 11" East a distance of 165.41 feet;

thence North 88° 55' 11" East a distance of 238.92 feet to the TRUE POINT OF BEGINNING; said total parcel contains 45.81 acres, more or less.

CERTIFICATION AND APPROVAL OF COUNTY SURVEYOR

I, Dennis A. King, Canyon County Surveyor, do hereby certify that I have examined the plat of Coyote Cove No. 2 and that it complies with the requirements of Idaho State Code.

CERTIFICATION AND APPROVAL OF SOUTHWEST DISTRICT HEALTH DEPARTMENT

Sanitary restrictions of this plat are hereby removed according to the letter to be read on file with the County Recorder or his agent listing the conditions of approval.

hwest District Health Department

CERTIFICATION AND APPROVAL OF NAMPA HIGHWAY DISTRICT NO. 1.

The Highway District has no responsibility for the streets shown on this plat, unless and until a petition has been received and approved together with a dedication of rights-of-way and evidence that said streets meet current District Standards for Construction.

CERTIFICATION AND APPROVAL OF CANYON COUNTY PLANNING AND ZONING COMMISSION

8-3-00

CERTIFICATION AND APPROVAL OF CANYON COUNTY COMMISSIONERS

Accepted and approved this 4th day of function the Board of County Commissioners of Canyon County, Idaho.

anne Martin David A. Martin

Corlnie Bergstrom, Vige President and Trust Officer, Davidson Trust Co., Trustee of Medical Center Physicians Group Profit Sharing Plan fbo David Martin, M.D. ACKNOWLEDGEMENT

Be it remembered that on this At day of June, 2000, personally appeared Connie Bergstrom, Vice President and Trust Officer of Davidson Trust Co., who is known to me to be the owner of Covote Cove No. 2 and that executed the above instrument. In witness whereof, I have hereunto set my hand and notarial seal the day last above written.

Shew & Rolls Notary Public for State of Montana Residing at State Aller Montana Commission expires May 20 2004

COUNTY RECORDER'S CERTIFICATE
INSTRUMENT NUMBER: FEE
STATE OF IDAHO S.S.
HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED AT THE REQUEST OF SKINNER LAND SURVEY CO. AT MINUTES PAST O'CLOCK M. THIS DAY OF 2000. IN BOOK OF SURVEYS, AT PAGE
EX-OFFICIO RECORDER DEPUTY

Sheet 2 of 2

BK. ____, PG. ___

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INSTRUMENT NB. 200103095

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by Mills & C
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COYOTE COVE SUBDIVISION NO. 2 DECLARATION OF

COVENANTS, CONDITIONS AND RESTRICTIONS

THIS DECLARATION, executed on the date following the signature thereto, is made by Mills & Company Realty, Inc. by and through its President Alan Mills, hereinafter Declarant, and is based on the following facts:

RECITALS

- A. Declarant is the Owner of certain real property in Canyon County, Idaho, which has been subdivided, as illustrated on the Plat thereof, filed of record in the Office of the County Recorder, Canyon County, Idaho as Instrument No. 200028986 (hereinafter Coyote Cove Subdivision No. 2, or Property).
- B. Declarant desires to establish on the real property, an exclusive residential community which is designed to maximize the use of available land and which contains residential dwelling units thereon. Declarant desires to assure the attractiveness of the individual Lots; to prevent future impairments thereof; to prevent nuisances; to preserve, protect and enhance the values and amenities of the Property; and to provide for the maintenance of the open spaces, irrigation facilities, and other capital improvements.

NOW THEREFORE, Declarant hereby declares that all of the properties above described, shall be held, sold and conveyed upon and subject to the easements, conditions, covenants, restrictions and reservations hereinafter set forth, each of which shall run with the properties and shall be binding on all parties now or hereafter having any right, title or interest therein or to any part thereof, and shall inure to the benefit of each Owner thereof. Declarant reserves the right to amend this Declaration to set forth additional easements, conditions, covenants, restrictions and reservations applicable to those Lots not yet sold at the time of such amendment.

ARTICLE I Definitions

- A. "Architectural Committee" means the Committee charged with approval of any construction, crection, alteration or repair of any improvements on any Lot in the Property as hereinafter provided.
- B. "Association" means Coyote Cove Subdivision No. 2 Homeowners' Association. a non-profit corporation organized under the laws of the State of Idaho, or any successor or assign of the Association.

COYOTE COVE SUBDIVISION NO. 2 Declaration of Covenants, Conditions and Restrictions Page 1

Attachment 9

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- C. "Board of Directors" means the Board of Directors of the Association.
- D. "Common Areas" or "Common Facilities" means all real property, including easements or other interests less than fee title, as well as the improvements thereon, owned by the Association for the common use and enjoyment of the Owners.
- E. "Dwelling Unit" or "Unit" means that portion or part of any structure intended to be occupied by one family as a dwelling unit, together with the vehicular parking garage next thereto, and all projections therefrom.
- F. "Household" means all persons residing in a Dwelling Unit.
- G. "Lease" means any agreement for the leasing or rental of a dwelling unit, including a month-to-month rental agreement. All such leases shall be in writing.
- H. "Lot" means all lots within and shown upon the Plat.
- J. "Owner" means the owner of record, whether one or more persons or entities, of a fee simple title to any Lot, but excluding those having an interest merely as security for the performance of an obligation.
- J. "Plat" means the official recorded plat Coyote Cove Subdivision No. 2 or any amendments or additions thereto.
- K. "Pressurized Irrigation System" means the system of surface and subsurface irrigation developed by Declarant to provide non-potable irrigation water for the Lots and which is the subject of a separate water users agreement.
- L. "Private Road" shall mean the private road providing access to Lots7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 which is commonly known as Meredith Court and is subject to a separate road users agreement.
- M. "Property" means the real property constituting Coyote Cove Subdivision No. 2, described above and according to the Plat, and any additions thereto, as may be made subject to this Declaration or otherwise brought within the jurisdiction of the Association.
- N. "Project" means the Property and all contemplated improvements thereto.
- O. "Single Family" means any one or more individuals, doing their own cooking and living on the premises as a separate housekeeping unit in a domestic relationship as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.

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ARTICLE II General Restrictions

- A. <u>Covenant</u>: The Declarant hereby covenants for all of said property. Each Owner, whether by ratification of this Declaration or by acceptance of a deed or contract of purchase, whether or not these covenants, conditions and restrictions are expressly set forth in any such deed or other conveyance or agreement for conveyance is deemed to covenant and agrees to comply with and abide by these covenants, conditions and restrictions and agrees for the Owner or Owners, the Owner(s)' heirs, administrators, delegees or assigns to be personally bound by each of these covenants, restrictions, reservations and servitudes, and as may be amended from time to time, jointly, separately and severally.
- B. <u>Enforcement of Restrictions</u>: The Declarant, Architectural Committee, Association or any Owner shall have the right to enforce, whether at law or in equity, all restrictions, conditions, covenants, reservations, liens, and charges now or hereafter imposed by the provisions of this Declaration or the Articles, Bylaws or Rules of the Association. Not less than ten (10) days prior to bringing an action of enforcement, the offending party shall be served with written notice setting forth with specificity the covenant, restriction, condition, reservation, lien or charge that the person is charged with failing to comply with. Failure to enforce any of the foregoing shall in no event be deemed a waiver of the right to do so thereafter. These covenants, conditions and restrictions are cumulative and all remedies provided herein for breach are in addition to any rights and remedies provided by local or state laws and not in lieu thereof.
- C. <u>Judgment and Attorneys' Fees</u>: If legal action is undertaken to enforce the terms of this Declaration, whether an action is prosecuted to judgment, the prevailing party shall be entitled to reasonable attorneys' fees and costs. In the event of judgment against any person, the court may award injunction against any person for violation, required compliance as the court deems necessary, award such damages, reasonable attorneys' fees, costs and expenses as well as such other or further relief as may be deemed just and equitable.
- D. <u>Mortgages or Deeds of Trust Not Invalidated</u>: The breach of any of these covenants, conditions, restrictions or any repurchase by reason of such breach, shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith for value as to any Lot or Lots or portions of Lots in such premises, but shall be binding upon and effective against any such mortgagee or trustee or Owner thereof, whose title is or was acquired by foreclosure, trustee's sale, or otherwise.

ARTICLE III Construction Restrictions

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- A. <u>Building Type Restrictions</u>: Each lot shall be used only for single-family residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one single family dwelling, with outbuildings, which may include guest cottages or "mother-in-law" units approved by the Architectural Committee, subject to all agency approvals. Provided however, the Architectural Committee may grant a variance for Lots without building envelopes, or areas within building envelopes, if appropriate based on site design and building designs. Residences on lots 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 shall be restricted with a peak roofline height of not more than twenty-two (22) feet as measured from the highest point of the foundation wall. On all other Lots, no residence shall be in excess of either two (2) stories or thirty (30) feet above ground. No outbuildings including storage sheds, play houses and play equipment consisting of walls and a roof, shall exceed a height of twenty (20) feet unless a variance is approved by the Architectural Committee.
- B. <u>Prohibited Buildings</u>. No mobile home, prefabricated home, trailer, modular home or other pre-built or pre-manufactured home shall be allowed on any lot without a variance from the Architectural Committee. No building shall be moved onto any Lot.
- C. <u>Minimum Floor Area.</u> Floor area shall be exclusive of eaves, steps, porches, entrances patios and garages. The floor area of a one-story house shall have not less than two thousand (2000) square feet on the ground floor. Two story houses shall have not less than one thousand five hundred (1,500) square feet on the ground floor and not less than eight hundred (800) square feet on the second floor. All residences shall have an attached three (3) car garage. Variances from the minimum floor areas may be granted by the Architectural Committee based on site and building designs.
- D. <u>Building Location and Envelopes.</u> If the particular Lot has a building envelope designated on the plat, the residence shall be placed within the building envelope. Prior to constructing or placing an accessory or outbuilding, the Architectural Committee shall approve the proposed location of such building. It is the intent that placement of all buildings shall maximize views for all owners.
- E. <u>Construction Commencement and Duration</u>. Construction of any dwelling unit shall be commenced not later than three (3) years after the original purchase of a Lot, unless a variance is granted by the Architectural Committee. Construction shall be diligently pursued after commencement and shall be completed not later than one (1) year after commencing construction. From the date of purchase, through the completion of landscaping, all Lots shall be kept free of rubbish and garbage, reasonably clean and weed free. Driveway approaches shall be completed prior to commencing construction.
- F. <u>Exterior Lighting</u>. All exterior area, landscape, or porch lighting shall be unobtrusive and shall be located so as to eliminate glare and not be nuisance to other owners as determined by the Architectural Committee. There shall be sufficient lighting of house numbers to aid in the response of emergency vehicles.

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- G. Resubdivision of Lots. No lot may be further subdivided, except in accordance with restrictions noted on the plat.
- H. Approval of Plans By Architectural Committee. No building shall be erected, placed or altered on any lot until the construction plans and specifications and a plan showing the location of the structure have been approved by the Architectural Committee as to the quality of workmanship and materials, harmony of external design with existing structures and as to location with respect to topography, finish grade elevations and neighboring homeowners.
- L. <u>Construction Equipment and Material Storage</u>: No machinery, building equipment, or material shall be stored on site until the Builder, including an Owner, is ready and able to immediately commence construction. Such building materials must be kept within the property line of the Lot on which the dwelling unit or structure is to be constructed.
- J. <u>Damage to Improvements</u>: It is the responsibility of the Builder of any structure in the Property, including an Owner, to leave streets, curbs, sidewalks, fences, tiled irrigation lines or other improvements, if any, as well as utility facilities, free of damage and in good and sound condition at the conclusion of the construction period. It shall be conclusively presumed that all such improvements are in good sound condition at the time construction commences on each Lot. The builder is responsible for notification to the contrary, in writing, to the Architectural Committee prior to the commencement of construction.
- K. <u>Driveways:</u> All driveways shall be paved with either asphalt or concrete. Driveways shall extend from the edge of the public road to the entry to the garage. Driveways for all Lots shall be of sufficient size for off-street parking for two (2) standard size automobiles. Any driveway constructed on any of the Lots shall have a pipe or conduit or culvert (hereinafter collectively pipes) thereunder at least twelve (12) inches in diameter, near the street line of the Lot and at any point where the driveway crosses any ditch or pipe or drainage area so as to permit the movement of irrigation waters or for drainage. The pipes may be made of tile, concrete, iron or steel, or any other substance of permanent nature. All pipe installations made within a dedicated right-of-way shall be made only after plans have been submitted to and approved by the appropriate highway district or city authority having jurisdiction over the roadways.
- L. <u>Easements</u>: In addition to the easements shown on the Plat, an easement is further reserved, ten (10) feet on each side of all Lot lines for installation and maintenance of utilities, irrigation, and drainage equipment and facilities. Within all easements, no structure, planting, or other material shall be placed or permitted to remain which may damage or interfere with the installation or maintenance of the utilities, irrigation or drainage, or which may change the direction of the flow of water through drainage channels in the easements. The easement area of each Lot, and all improvements in the Lot, shall be maintained continuously

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by the Owner of the Lot, except for those improvements for which a public entity or authority is responsible.

- M. Fences and Other Boundaries: Perimeter fencing is not required. With the exception of Lots 2, 3, 4, 5, 7, and 8 which have specific restrictions set forth in a Land Use Contract, if perimeter fencing is erected, it must not exceed five feet in height and must be non-sight obscuring, three rail, white in color, and may be constructed of vinyl, wood, steel or other suitable material and must be maintained in good repair. No fence, planting or other structure may be erected in the riding/walking path easement shown on the plat, provided that unless otherwise prohibited, approved fencing may be erected on the boundary line of the easement upon approval of the Architectural Committee. The riding/walking path will be maintained by the Association.
- N. <u>Irrigation</u>: A pressurized irrigation system shall be provided for delivery of irrigation water to all Lots except Lot 1. All owners of Lots, other than Lot 1 shall be subject to all requirements, conditions and restrictions set forth in a separate water users' agreement pertaining to the pressurized irrigation system.
- O. <u>Landscaping</u>: Landscaping of the front yard, extending from the front line of the house to the public road, must be completed within one (1) year of substantial completion. Berms and sculptured planting areas are encouraged. A landscaping plan must be approved by the Architectural Committee prior to commencing landscaping.
- P. Roofs: Roofs shall be of at least "5 in 12" pitch. No gravel roofs shall be permitted. Bay windows, broken roof lines, gables, hip roofs, etc. are encouraged to provide architectural variety. Shingles shall be, at minimum, twenty-five (25) year architectural. Roofing samples shall be submitted to the Architectural Committee for approval prior to application of finish roofing materials.
- Q. <u>Setbacks</u>: Subject to the special restrictions for Lots 2, 3, 4, 5, 7 and 8 set forth in a Land Use Contract, no improvements may be constructed or maintained on a Lot closer than thirty (30) feet from the front property line, twenty (20) feet from the walking/riding path or rear property line whichever is most restrictive, fifteen (15) feet from the walking/riding path or interior side property lines whichever is most restrictive, or twenty (20) feet from the walking/riding path or exterior side property line whichever is most restrictive.
- R. <u>Sewage Disposal/Septic Locations</u>: No sewage disposal system is provided by Declarant. Each Lot shall be served by an individual sewage disposal/septic system to be designed, located and constructed in accordance with the requirements, standards and recommendations of the Southwest District Health Department. Approval of such system as installed shall be obtained from that jurisdiction and the entire system shall be paid for by the Lot Owner. All bathroom, sink and toilet facilities not located inside the dwelling unit must be contained within a accessory structure or outbuilding as approved by Southwest District Health.

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- S. Storm Water Retention Pits and Barrow Pit Maintenance: The Owners of Lots 9, 10, and 11 shall maintain the storm water retention pits constructed by the Declarant, illustrated as easements on the plat. The Lots shall be maintained in such a manner that all storm water is retained in the pits and no structures are placed or constructed, or plants are planted in such areas which would interfere in any manner with the retention of water as originally constructed by Declarant. All Lot owners are required to maintain the barrow pits adjacent to their respective Lots in such a manner that there is no interference with the collection and disbursal of waste water either from irrigation or storm water retention. All Lot owners shall landscape such barrow pits with plantings that will not interfere with the dispersal of water, but will maintain a sightly and well-maintained area between the Lot and the paved portion of the roadway.
- T. <u>Telephone and Electric Service</u>: All Lots shall be served by underground electrical and telephone lines within each Lot. Service to the Subdivision may be by overhead service with underground wire from the existing overhead facilities to each Lot. The service shall be installed in road or easement right of way as platted. Each Owner agrees at Owner's sole expense to pay for costs and hook on charges as established by the respective utilities for electric and telephone service, as a condition precedent to connection thereto. Declarant shall not be liable for the cost thereof but may recover funds advanced, if any, to obtain preliminary installation.
- U. <u>Temporary Buildings</u>: No temporary house trailer, tent, shack, unattached garage, barn or other outbuilding or structure shall be erected, parked, maintained or placed on any Lot. Except that during the construction period, Declarant and its agents shall be authorized to utilize any building or structure deemed appropriate by Declarant for sales and construction offices or facilities.
- V. Water for Domestic Use. No domestic water system is provided by Declarant. Each Lot shall be served by an individual domestic well system to be designed, located and constructed in accordance with the requirements, standards and recommendations of the Southwest District Health Department and the Idaho Department of Water Resources. Approval of such system as installed shall be obtained from those jurisdictions and the entire system shall be paid for by the Lot Owner. Lot Owners shall be responsible for all equipment, facilities or services required for service to their respective wells and lots. Declarant makes no warranties as to the Lot Owner's ability to obtain a well permit.

ARTICLE IV Property Use Restrictions

A. <u>Animals</u>: The keeping of animals on any parcel or any structure thereon shall be restricted as follows:



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- 1. The number and types of animals shall be limited to:
 - a. One (1) cow or horse per acre;
 - b. Two (2) lamas, sheep or goats per acre;
- c. Dogs, cats, rabbits, chickens, excluding roosters, and other similar animals, or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose, incidental sales of such animals excepted.
- d. Swine and roosters shall be allowed only with the written permission of all contiguous parcel owners in the Subdivision.
- 2. If any Lot contains a fraction of an acre, then said fraction of an acre, if half (1/2) an acre or more shall be considered to be an acre for the purposes of this subsection only. If under half (1/2) an acre, then the fraction shall not be considered as an acre for purposes of this subsection. Provided however, the number and types of animals kept per acre shall not exceed the provisions of Canyon County ordinances pertaining to the subdivision.
- 3. Any animals outside a dwelling unit or fenced area must be on leashes or otherwise under physical control. All animals shall be fed and cared for.
- 4. Barking and other offensive noises shall be controlled and not allowed to become a nuisance to other Lot owners. In no event may any animal be kept on any parcel as part of any commercial operation or for commercial livestock raising purposes. Projects for 4H shall not be considered commercial. All animal uses shall be incidental to the use of each parcel as single-family residential property.
- 5. Animal wastes shall be removed from the Lots not less than monthly and otherwise maintained so as to prevent unsightliness, unnecessary or unreasonable odors or the harboring of insects.
- B. <u>Businesses or Commercial Uses</u>: No business shall be conducted on any Lot except completely within the dwelling unit and only as permitted by applicable state or local law, rule or ordinance. No signs shall be installed to advertise the business Except that during construction the Declarant or its agents may conduct sales and construction business outside of a dwelling unit as provided above and hereinafter.
- C. <u>Extraction Activities</u>. All extraction activities, excluding water, but including oil, gas, minerals and gravel, are prohibited on any Lot. No oil exploration or development of any nature or kind, including mining exploration, development or structure shall be permitted on any Lot or Common Facilities.
- D. <u>Garbage and Refuse Disposal</u>: No part of any Lot shall be used or maintained as a dumping ground for rubbish, trash waste, storage or disposal of inoperative or unlicensed vehicles of any nature or parts thereof including tires. No garbage, trash or other waste shall be

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kept or maintained on any part of any Lot except in a sanitary container. No incinerators shall be permitted. Any equipment for the storage or disposal of such material must not violate setback restrictions and must be enclosed with an aesthetic screen or fence approved by the Architectural Committee and shall be kept in a clean and sanitary condition.

- E. <u>Leasing Restrictions</u>: Any lease between an Owner and tenant shall provide that the terms of the lease shall be subject in all respects to the provisions contained in this Declaration, the Association's Articles of Incorporation, Bylaws and rules and that any failure by the tenant to comply with the terms of such documents shall be a default under such lease.
- F. <u>Maintenance of Lot</u>. Building materials may not be stored on any Lot at any time unless the storage of and location of the stored items is approved in writing by the Architectural Committee. Each Lot, including the barrow pit along the roadway, shall be regularly irrigated, cultivated, pruned, fertilized and mowed so as to maintain crops, pasture and landscaping on the entire Lot in a healthy and aesthetically pleasing condition and to minimize dust.
- G. <u>Nuisances</u>: Nothing of an offensive, dangerous, odorous, or noisy endeavor shall be conducted or carried on any Lot, nor shall anything be done or permitted on the Property which may be or become an annoyance or nuisance to other individuals or Owners. Weeds shall be cut to at least eight (8) inches.
- H. Residing in Other than Dwelling Units: No trailer, truck camper, tent, garage, barn, shack or other outbuilding shall at any time be used as a residence either temporarily or permanently on any Lot.
- I. <u>Sight Distance at Intersections</u>: No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between three (3) feet and eight (8) feet above the roadways shall be placed or permitted to remain on any corner Lot within the triangular area formed by the street property lines and an imaginary line connecting them at a point 30 feet from the intersection of the street lines. In the case of a rounded property corner, from the intersection of the street property lines extended. The same sight-line limitations shall apply on any Lot within ten (10) feet from the intersection of a street property line with the edge of a driveway or alley pavement.
- J. Signs: No sign of any kind shall be displayed to public view on any Lot except a professionally designed and constructed sign of not more than (5) square feet advertising the property for sale or rent by an Owner, or to advertise the property during the construction sales period. If a property is sold or rented, any sign relating thereto shall be removed immediately. Except that the Declarant and its agent(s) may post a "Sold" sign for a reasonable period following the sale. Notwithstanding any provision to the contrary, signs of any and all sizes and dimensions may be displayed by the Declarant without limitation, on Lots owned by the Declarant. The Association may maintain subdivision identification signs, and appropriate informational signs of a size and design approved by the Architectural Committee.

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- K. Storage of Vehicles and Equipment and Screening Uses: Recreational vehicles owned or leased by the Lot Owner for personal use or enjoyment may be kept on a Lot only within a garage or other enclosure such as a fence or with screening approved by the Architectural Committee. Temporary parking of such vehicles up to forty-eight (48) hours may be allowed with approval of the Architectural Committee. No working or commercial vehicles larger than three-quarter (3/4) ton and no junk cars shall be parked on any lot. Agricultural equipment, including implements may be stored within building envelopes on affected Lots or on Lots without building envelopes as approved by the Architectural Committee. Such vehicles or equipment shall not be parked on the street or between the front plane of the Dwelling Unit and the street. Such vehicles or equipment as permitted hereunder shall be screened from street view such as within the confines of an enclosed garage or other approved enclosure such as a fence, and no portion of same may project behind the enclosed area. Woodpiles, compost piles and facilities for handling, drying or airing clothing shall be screened from view.
- L. <u>Temporary Uses</u>. No temporary structures such as trailers, tents or shacks are allowed on any lot at any time as a permanent residence. Visiting guests may park on any Lot, a travel trailer or other form of mobile housing for a period not to exceed one (1) week without the prior approval of the Architectural Committee

ARTICLE V Architectural Committee

A. <u>Initial Members</u>: The initial members of the Architectural Committee are appointed by and serve at the discretion of the Declarant. The initial members are Alan Mills, David A. Martin and Gene Hemenway. These individuals serve at the discretion of the Declarant or if after the completion of the last dwelling unit, until the Board of Directors of the Association shall appoint a replacement.

In the event of death or resignation of a member, the remaining members shall have full authority to act, and within a reasonable time after the occurrence of such vacancy, the Declarant, or if after the completion of the last dwelling unit, the Board of Directors of the Association shall appoint a replacement.

- B. <u>Action by Quorum and Majority</u>: A majority of the Committee shall constitute a quorum. All action by the Committee shall be by majority vote of those members in attendance so long as a quorum is present at a meeting. The Declarant shall have veto power over decisions of the Architectural Committee until the last Lot is sold
- C. <u>Liability for Committee Action</u>: All Owners agree that the Committee and its successors shall incur no liability for any omissions or acts under this Declaration.



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- D. <u>Duties</u>: The duties of the Architectural Committee are to review, approve, deny or condition approval of all new construction on such terms and conditions as the Committee shall deem appropriate. Its determination is binding on all parties. The Committee is further charged with enforcement of this Declaration. The Committee may, with the consent of the Declarant, appoint a sub-committee to enforce all areas of this Declaration not pertaining to new construction.
- E. <u>Duties of Sub-Committee</u>: In the event that a Sub-Committee is appointed, its duties shall be to enforce, control and review for approval, non-approval or conditional approval, all areas encompassed by this Declaration not pertaining to new construction. All Owners agree that the Sub-Committee and its successors shall incur no liability for any omissions or acts under this Declaration. In the event of death or resignation of a member, the remaining members shall have full authority to act, and within a reasonable time after the occurrence of such vacancy, the Architectural Committee and Declarant, of if after the sale of the last Lot, the Board of Directors of the Association shall appoint a replacement.
- F. <u>Submission of Plans and Specifications</u>: Prior to any construction, erection repair or alteration, including different color or materials, of structures, fences, outbuildings, etc., as herein provided, there shall be submitted to the Committee, one set of detailed plans and specifications.
- G. <u>Approval by Architectural Committee</u>: No building or other structure, shall be erected, placed altered or maintained on any Lot until the construction plans and specifications and a plan showing the location of the structure have been approved by the Architectural Committee as to quality of workmanship and materials, barmony of external design with existing structures, compliance with specific material type requirements.

The Architectural Committee shall have fifteen (15) days to review the plans, drawings and specifications. The Architectural Committee shall indicate its approval of the proposal by the dating and signing of the plans by a designated member of the Architectural Committee. Such approval shall be construed as full compliance with this Declaration. Approval shall be transmitted to the applicant by letter. No proposal shall be deemed approved without the authorized signature of an Architectural Committee member. The Architectural Committee shall have the sole discretion to determine what is substantial or full compliance with this Declaration. The Architectural Committee shall have the right to retain the plans and specifications.

H. Release of Initial Architectural Committee and Sub-Committee: Upon the sale of the last Lot in the Property, the work of the initial Architectural Committee and Sub-Committee shall be deemed completed, and said members shall then be automatically released from all responsibilities thereto. If the Association has been formed, then at the sale of the last Lot and not before, the then seated Board of Directors of the Association shall automatically become the Architectural Committee.

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ARTICLE VI Homeowners' Association

- A. <u>Incorporation of Declaration</u>: All the provisions of this Declaration shall be incorporated into the Articles of Incorporation of the Homeowner's Association as if fully set forth therein. If there is a conflict between the Articles of Incorporation, Bylaws or rules of the Association and this Declaration, the provisions of this Declaration shall control.
- B. <u>Establishment of Association</u>: Not later than the sale of the last Lot, the Declarant shall form the Association through filing of Articles of Incorporation as a nonprofit Idaho Corporation with the Idaho Secretary of State.
- C. <u>Membership</u>: Every Owner of Lot shall be a member of the Association. Membership shall be appurtenant to and may not be separated from ownership of any Lot.
- D. Membership Classes: The Association shall have two (2) classes of voting membership:
 - 1. The Class A members shall all be Owners, with the exception of the Declarant, during the period when the Declarant is a Class B member. Each Class A member shall be entitled to one (1) vote for each Lot owned. When more than one (1) person holds an interest in any Lot, all such persons shall be members. The vote for such Lot shall be exercised as such Owners determine. However, there shall not be more than one (1) vote cast per Lot; fractional votes shall not be permitted. The vote applicable to any Lot being sold under contract of purchase shall be exercised by the contract seller, unless the contract expressly provides otherwise.
 - 2. The sole Class B member shall be the Declarant, which shall retain 51% voting control until the last Lot is sold. In that event, Declarant shall become a Class A member to the extent and under the same conditions as other Owners of Lots.
- E. Officers and Directors: At an annual meeting called pursuant to written notice as herein provided for the establishment of annual assessments, a Board of Directors of the Association shall be elected by ballot of a majority of those attending said meeting or voting by proxy. The Board shall consist of three (3) Directors elected to serve for a period of one year. One member shall serve as the Chairperson of the Board, elected by majority vote. One person shall serve as Secretary to the Board.
- F. <u>Assessments</u>: Each Owner of any Lot, by acceptance of a deed therefore, whether or not expressed in such deed, is deemed to covenant and agrees to pay to the Association:
 - 1. An initial assessment of one hundred dollars (\$100) for each Lot, payable at closing.



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- 2. Regular annual or other regular periodic assessments or charges. The initial periodic assessment shall be one hundred and fifty dollars (\$150.00) per year per Lot.
- 3. Special assessments for capital improvements, including repair or alteration of existing improvements or new improvements. Such special assessments to be fixed, established and collected from time to time as hereinafter provided.

No Owner may waive or otherwise escape liability for the assessments provided for herein by nonuse of the Common Facilities or abandonment of the Owner's Lot.

- G. <u>Property Exempt from Assessments</u>: The following property subject to this Declaration shall be exempt from the assessments created herein:
 - Properties expressly dedicated to and accepted by a local public authority;
 - 2. Lots or Common Areas or Facilities owned by the Association.
- H. <u>Due Date of Assessments</u>: The annual assessments shall commence as to each Lot on the first day of the month following the conveyance of the Common Areas or Facilities to the Association. The first annual assessment shall be adjusted according to the number of months remaining in the calendar year. The Board of Directors, or the Architectural Committee prior to the establishment of the Association, shall fix the amount of the annual assessment against each Lot at least thirty (30) days in advance of each annual assessment period. Written notice of the annual assessment shall be sent to every Owner subject thereto. The due dates shall be established by the Board of Directors or the Architectural Committee prior to establishment of the Association. The Association shall, upon demand, and for a reasonable charge furnish a certificate by an officer of the Association setting forth whether the assessments on the specified Lot have been paid. A properly executed certificate of the Association as to the status of assessments on a Lot is binding upon the Association as of the date of its issuance.
- L. <u>Unpaid Assessments</u>: Any assessment not paid within thirty (30) days after the due date shall bear interest from the due date at the rate of twelve percent (12%) per annum or at such other interest rate as may be established annually by the Board of Directors. The lien of the assessments shall be subordinate to the lien of any first mortgage provided that such first mortgage is held by a person or entity unrelated to the Lot Owner. However, the sale or transfer of any Lot pursuant to mortgage foreclosure or any proceeding in lieu thereof shall extinguish the lien of such assessments as to payments which became due prior to such sale or transfer. No sale or transfer shall relieve such Lot from liability for any assessments thereafter becoming due or from the lien thereof.

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- J. <u>Use of Assessments</u>: The assessments levied by the Association shall be used for the improvement and maintenance of the Common Areas or Facilities including repair, insurance, liabilities and other common expenses for the Association
- K. Increase in Assessment Amounts: From and after January 1 of the year immediately following the conveyance of the first Lot to an Owner, the maximum annual assessment may be increased each year not more than 5% above the maximum assessment for the previous year without a vote of the membership. It may be increased above 5% only by a vote of two-thirds (2/3) of each class of members who are voting in person or by proxy at a meeting duly called for this purpose as set forth below.
- L. <u>Assessments a Charge Against the Lot</u>: The regular and special assessments, together with interest, costs of collection and reasonable attorneys fees shall be a charge on any Lot and shall be a continuing lien on the Lot against which such assessment is made. Each such assessment, together with interest, costs of collection and reasonable attorney's fees, shall also be the person obligation of the Owner of such Lot at the time when the assessment fell due. The obligation shall remain a lien on the Lot until paid or foreclosed, but shall not be a personal obligation of successors in title, unless expressly assumed.
- M. Notice and Quorum for Meetings: Written notice of any meeting called for the purpose of taking any action authorized above shall be sent to all members not less than thirty (30) days nor more than sixty (60) days in advance of the meeting. At such meeting the presence of Owners or of proxies entitled to cast fifty percent (50%) of all the votes of each class of membership shall constitute a quorum. If the required quorum is not present, the meeting shall be adjourned and rescheduled for a time and place not less than ten (10) days and not more than thirty (30) days subsequent. Written notice of the rescheduled meeting shall be mailed to all members not less than five (5) days in advance of the rescheduled meeting date. The required quorum at the subsequent meeting shall be satisfied by the present in person or by proxy of twenty-five percent (25%) for each class of membership.
- N. <u>Common Areas/Facilities Matters</u>: The Association shall have the right to dedicate or transfer all or any part of the Common Areas or Facilities to any public agency authority, or utility for such purposes and subject to such conditions as may be agreed to by the members. No such condition or transfer shall be effective unless authorized by members entitled to cast two-thirds (2/3) of the majority of the votes at a special or general member's meeting and an instrument signed by the Chairperson and Secretary has been recorded in the appropriate county deed records, agreeing to such dedication or transfer. Written notice of the proposed action and meeting at which action is intended to be taken shall be sent to every member of the Association not less than ten (10) days nor more than fifty (50) days prior to such dedication or transfer.

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- O. <u>Association Duties</u>: The Association is authorized to, but not limited, to the following:
 - 1. Prepare an annual budget which shall indicate anticipated management, operating, maintenance, repair and other common expenses for the Association's next fiscal year and which shall be sufficient to pay all estimated expenses and outlays of the Association for the next calendar year which grow out of or are in connection with the maintenance and operation of Common Areas/Facilities and improvements. This budget may include, but is not limited to the cost of maintenance, management, special assessments, insurance (fire, casualty and public liability, etc.), repairs, wages, legal and accounting fees, management fees, expenses and liabilities incurred by the Association from a previous period, and the creation of any reasonable contingency or other reserve fund.
 - 2. Perform or have performed the repairs, upkeep and maintenance, normal servicing, development of rules for use, care and safety of Common Areas/Facilities, payment of bills and related expenses for any Common Facilities.
- P. <u>Comprehensive Public Liability Insurance</u>: The Association must, if available at a reasonable cost, have a comprehensive policy of public liability insurance covering all of the Common Areas/Facilities. Such insurance policy shall contain a severability of interest endorsement which shall preclude the insurer from denying the claim of an Owner because of negligent acts of the Association or other Owners. The scope of coverage must include all other coverage in the kinds and amounts required by private institutional mortgage investors for projects similar in construction, location and use.
- Q. <u>Contribution</u>: Insurance secured and maintained by the Association shall not be brought into contribution with insurance held by the individual Owners or their mortgage holders.
- R. <u>Subrogation Waiver</u>: Each policy of insurance obtained by the Association shall where possible provide:
 - 1. A waiver of the insurer's subrogation rights with respect to the Association, its officers, the Owners and their respective servants, agents and guests.
 - 2. A Provision that the policy cannot be canceled, suspended or invalidated due to the conduct of any agent, officer or employee of the Association without a prior written demand that the defect be cured.
 - 3. That any "no other insurance" clause therein shall not apply with respect to insurance held individually by the Owners.



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- S. <u>Idaho Insurers</u>: All policies shall be written by a company licenses to write insurance in the State of Idaho and all hazard insurance policies shall be written by a hazard insurance carrier holding financial rating by Best's Insurance Reports of Class VI or better.
- T. <u>FHLMC/FHMA Requirements</u>: Notwithstanding anything herein contained to the contrary, insurance coverage must be in such amounts and meet other requirements of the Federal Home Loan Mortgage Corporation (FHLMC) and Federal National Mortgage Association (FNMA)
- U. <u>Worker's Compensation</u>: The Association shall purchase workmen's compensation and employer's liability insurance and all other similar insurance with respect to employees of the Association in the amounts and in the forms now or hereafter required by law.
- V. <u>Miscellaneous</u>: The Association may obtain insurance against such other risks, of a similar or dissimilar nature, as it shall deem appropriate with respect to the properties, including any personal property of the Association located thereon. The provisions of this Article shall not be construed to limit the power or authority of the Association to obtain and maintain insurance coverage, in addition to any insurance coverage required hereunder, in such amounts and in such forms as the Association may deem appropriate from time to time.

ARTICLE IX Miscellaneous

- A. <u>Common Areas/Facilities Title and Improvements Transfer to Association</u>: The Common Areas/Facilities located within easements shown on the Plat or the Irrigation Drainage Plan shall be conveyed to the Association not later than the sale of the last Lot by the Declarant. Declarant shall retain the right to continuing access to the Common Areas/Facilities to complete such improvements thereon or thereto as Declarant intends to construct.
- B. <u>Severability</u>: Invalidation of any one of these covenants or restrictions by judgment or court order shall not invalidate ore affect any other provisions hereof, which shall remain in full force and effect.
- C. <u>Binding Effect</u>: This Declaration shall be a covenant and run with the land, binding the Subdivision and each Lot therein for a period of twenty years from the date of recordation of this Declaration. Thereafter, the term shall be automatically extended for successive periods of ten (10) years unless amended as provided below, either during the term of successive periods or at the end thereof.
- D. <u>Amendment</u>: This Declaration, except the easements herein granted, may be amended by the Declarant at any time prior to the sale of the last Lot. After the sale of the last Lot, this



Declaration may be amended only by an instrument signed by not less than two-thirds (2/3) of the then Lot Owners. Any amendment must be recorded.

Ε. Assignment by Declarant: Any or all rights, powers and reservations of Declarant herein contained may be assigned to any third party, including the Association or to any other corporation or association which is now organized or which may hereafter be organized which will assume the specific rights, powers and duties of Declarant hereunder, evidencing its intent in writing to accept such assignment. All rights of Declarant hereunder reserved or created shall be held and exercised by Declarant alone, so long as he owns any interest in any portion of the Property.

IN WITNESS WHEREOF, the Declarant has executed this instrument on the date following the signature below.

MILLS & COMPANY REALTY, INC.

Alan D. Mills, President

STATE OF IDAHO

)ss.

)

COUNTY OF Canyon

On this 25th day of <u>January</u>, 2001, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Alan D. Mills known to me to be an officer of the above-named corporation and the person whose name is subscribed to the within instrument and acknowledged to me diat he was authorized to and did execute the same on behalf of the corporation.

> Notary russ.
>
> Residing at <u>Ealdwell</u>
>
> My Commission Expires: 1/28/03 Notary Public for the State of Idaho

We, the undersigned owners of a Lot in the Subdivision, acknowledge that this Declaration of Covenants, Conditions and Restrictions will apply to said Lots:

David A. Martin

1-25-01

Anne M. Martin

Dated: 1-25-0/

STATE OF IDAHO

Dated:

COUNTY OF Canyon

On this 25th day of January, 2001, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared David A. Martin and Anne M. Martin, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same RRIE

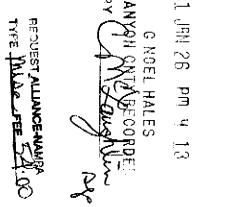
Notary Public for the State of Idaho

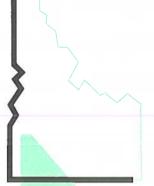
Residing at Caldwell

My Commission Expires: 1/28/03

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Nampa & Meridian Irrigation District

1503 FIRST STREET SOUTH FAX #208-463-0092 NAMPA, IDAHO 83651-4395 nmid.org

OFFICE: Nampa 208-466-7861 SHOP: Nampa 208-466-0663

June 28, 2023

Canyon County Development Services 111 No 11th Ave. Suite 310 Caldwell, ID 83605

RE: CR2022-0032/ Claudia Frent; 2505 S. Middleton Rd.

To Whom It May Concern:

Nampa & Meridian Irrigation District (NMID) has no comment on the above referenced application as it lies outside of our district boundaries. Please contact Thomas Ritthaler, Boise Project- Board of Control, at 208-344-1141 or 2465 Overland Road Room 202 Boise, ID 83705-3173.

All private laterals and waste ways <u>must be protected</u>. All municipal surface drainage <u>must be retained</u> on-site. If any surface drainage leaves the site NMID must review drainage plans. Developers must comply with Idaho Code 31-3805.

Sincerely,

David T. Duvall

Asst. Water Superintendent

Nampa & Meridian Irrigation District

DTD/ eol

Cc:

Office/ file

T. Ritthaler, Board of Control



APPROXIMATE IRRIGABLE ACRES
RIVER FLOW RIGHTS - 23,000

BOISE PROJECT RIGHTS - 40,000

Exhibit 4